

MAR 1 1 2005

ENROLLED ORIGINAL

A RESOLUTION

16-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To appoint Daniel M. Tangerlini, Director of the District Department of Transportation, as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Directors of the Washington Metropolitan Area Transit Authority Daniel M. Tangherlini Alternate Member Appointment Resolution of 2005".

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

Daniel M. Tangherlini
638 D Street, N.E.
Washington, D.C. 20002
(Ward 6)

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

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

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

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ENROLLED ORIGINAL

A RESOLUTION

16-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To reappoint Mr. Lyle M. Blanchard to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Lyle M. Blanchard Reappointment Resolution of 2005".

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

Mr. Lyle M. Blanchard
3124 38th Street, N.W., #2
Washington, D.C. 20016
(Ward 3)

as a member of the District of Columbia Retirement Board, established by section 121(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Official Code §1-711(a)), for a term to end January 27, 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 Chairman of the District of Columbia Retirement Board.

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

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A RESOLUTION

16-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To appoint Mr. Michael J. Warren to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Michael J. Warren Appointment Resolution of 2005".

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

Mr. Michael J. Warren
2110 O Street, N.W., Apt #4
Washington, D.C. 20037
(Ward 2)

as a member of the District of Columbia Retirement Board, established by section 121(a) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 869; D.C. Code Official §1-711(a)) for a term to end January 27, 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 Chairman of the District of Columbia Retirement Board.

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

ENROLLED ORIGINAL

A RESOLUTION

16-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To appoint Mr. Orlando W. Darden, Jr., to the District of Columbia College Savings Program Advisory Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia College Savings Program Advisory Board Orlando W. Darden Jr. Appointment Resolution of 2005".

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

Mr. Orlando W. Darden, Jr.
639 Q Street, N.W.
Washington, D.C. 20001
(Ward 2)

as a member of the District of Columbia College Savings Program Advisory Board, established by section 2 of the College Savings Act of 2000, effective March 31, 2001 (D.C. Law 13-212; D.C. Official Code § 47-4504), for a 3-year term.

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

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

A RESOLUTION

16-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To appoint Mr. Virgil McDonald to the District of Columbia College Savings Program Advisory Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia College Savings Program Advisory Board Virgil McDonald Appointment Resolution of 2005".

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

Mr. Virgil McDonald
2548 36th Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the District of Columbia College Savings Program Advisory Board, established by section 2 of the College Savings Act of 2000, effective March 31, 2001 (D.C. Law 13-212; D.C. Official Code § 47-4504), for a 2-year term.

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 appointee and to the Office of the Mayor.

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

ENROLLED ORIGINAL

A RESOLUTION

16-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To appoint Ms. Emily Y. Washington to the District of Columbia College Savings Program Advisory Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia College Savings Program Advisory Board Emily Y. Washington Appointment Resolution of 2005".

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

Ms. Emily Y. Washington
3249 Massachusetts Avenue, S.E.
Washington, D.C. 20019
(Ward 7)

as a member of the District of Columbia College Savings Program Advisory Board, established by section 2 of the College Savings Act of 2000, effective March 31, 2001 (D.C. Law 13-212; D.C. Official Code § 47-4504), for a one-year term.

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 appointee and to the Office of the Mayor.

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

ENROLLED ORIGINAL

A RESOLUTION

16-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To approve in part and disapprove in part the Mayor's request to spend Pay-As-You-Go Contingency funding pursuant to section 1002 of the Fiscal Year 2005 Budget Support Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2005 Contingency Funding Request Approval and Disapproval Resolution of 2005".

Sec. 2. (a) Pursuant to section 1002 of the Fiscal Year 2005 Budget Support Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-204.46, note), the Mayor transmitted to the Council a request on February 1, 2005, to spend \$42,782,000 in Pay-As-You-Go Contingency funding (all of which, save \$11.3 million, was deemed approved by the Council on February 15, 2005) as follows:

- (1) \$2 million for the Department of Human Services, Mental Retardation and Developmental Disabilities Administration;
- (2) \$5.4 million for the Department of Youth Rehabilitation Services (formerly the Department of Human Services, Youth Services Administration);
- (3) \$17.9 million for the Child and Family Services Agency as follows:
 - (A) \$2 million for the Early Intervention Initiative;
 - (B) \$6 million for the Title IV-E program;
 - (C) \$3 million for Medicaid-related expenses;
 - (D) \$1.9 million for family-based therapeutic foster care services; and
 - (E) \$5 million for out-of-home care and community based services;
- (4) \$11 million for the Department of Mental Health;
- (5) \$5 million for the Department of Health as follows:
 - (A) \$3 million for the Health Care Safety Net;
 - (B) \$2 million for the Addiction Prevention & Recovery Administration;
- (6) \$1 million for the Office of the Inspector General; and
- (7) \$500,000 for the Department of Employment Services.

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(b) The Council approves the following parts of the request, totaling \$7.4 million, as described in subsection (a) of this section:

(1) Paragraph (2), consisting of \$5.4 million for the Department of Youth Rehabilitation Services; and

(2) Paragraph (3)(A), consisting of \$2 million for the Early Intervention Initiative of the Child and Family Services Agency.

(c) The Council disapproves the following parts of the request, totaling \$3.9 million, as described in subsection (a) of this section:

(1) Paragraph (1), consisting of \$2 million for the Mental Retardation and Developmental Disability Administration; and

(2) Paragraph (3)(D), consisting of \$1.9 million for the foster care services provided by the Child and Family Services Agency.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the sense of the Council with respect to the need for the United States Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of United States Senate Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women Resolution of 2005".

Sec. 2. The Council finds that:

(a) The United Nations Commission on the Status of Women formulated a document entitled the Convention on the Elimination of All Forms of Discrimination Against Women.

(b) The Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") was adopted by the United Nations General Assembly on December 18, 1979 and became an international treaty on September 3, 1981. As of 2004, 178 nations have agreed to the Convention's provisions.

(c) The United States supports and has a position of leadership in the United Nations and has been an active participant in the drafting of CEDAW.

(d) CEDAW provides that countries that have ratified or acceded to it take all appropriate measures to ensure the full development and advancement of women in all spheres, including political, educational, employment, health care, economic, social, legal, marital and familial relations and to modify the social and cultural patterns of conduct of men and women to eliminate prejudice, customs, and all other practices based on the concept of inferiority or superiority of either sex.

(e) The District of Columbia has demonstrated its commitment to human rights under the Human Rights Act of the District of Columbia, which embodies principles of CEDAW.

(f) The United States Senate has not yet ratified or acceded to CEDAW.

Sec. 3. It is the sense of the Council that the United States Senate ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

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Sec. 4. The Secretary to the Council shall transmit a copy of this resolution to the President Pro-Tempore of the United States Senate, the Chairman of the Senate Foreign Relations Committee, and to the Delegate to the House of Representatives from the District of Columbia.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A RESOLUTION

16-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To establish a special committee to undertake a special project to develop and propose a comprehensive youth violent crime prevention policy for the District of Columbia, to assess the impact of youth crime upon residents, to consolidate the review and oversight of strategies designed to address youth violence in the District of Columbia, to identify avenues for cooperation among District agencies for addressing the needs of at-risk youth within the District of Columbia, to create a set of recommendations aimed at preventing and reducing youth violent crime in the District of Columbia, and to develop legislation required to implement the comprehensive youth violent crime prevention policy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Committee on the Prevention of Youth Violent Crime Establishment Resolution of 2005".

Sec. 2. Findings.

- (a) The number of youth homicides in the District of Columbia has increased at an alarming rate over the 2002-2004 period.
- (b) There exists a need for policy initiatives that create opportunities for youths to be successful in reaching adulthood and leading productive lives.
- (c) Each incident of violence by or upon a youth impacts the victim, the perpetrator, their respective families, and our society.
- (d) The Council has identified the reduction of youth crime as one of its legislative goals for Council Period 16.
- (e) Mayor Anthony Williams and Police Chief Charles Ramsey presented "A Report on Juvenile Homicide in the District of Columbia 2002-2004," which documented the alarming increase in juvenile homicide victims and perpetrators by gender, age, and race, at a joint public hearing called by the Committee on the Judiciary, the Committee on Human Services, and the Committee on Education, Libraries and Recreation on January 31, 2005.
- (f) The purpose of the Special Committee on the Prevention of Youth Violent Crime is to develop innovative strategies and forward-thinking policies aimed at preventing and reducing the causes of youth violence.

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Sec. 3. Establishment of a Special Committee on the Prevention of Youth Violent Crime.

(a) Pursuant to section 251 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 16 ("Council Rules"), there is hereby established the Special Committee on the Prevention of Youth Violent Crime ("Special Committee").

(b) Pursuant to section 253 of the Council Rules, the Special Committee is charged with undertaking the Special Project on the Prevention of Youth Violent Crime.

Sec. 4. Membership and chairmanship of the Special Committee.

(a) The Special Committee shall be comprised of the following members of the Council: Councilmembers Vincent C. Gray, Kwame R. Brown, Adrian Fenty, Phil Mendelson, and Kathleen Patterson.

(b) Councilmember Gray shall chair the Special Committee.

Sec. 5. Responsibilities of the Special Committee.

The responsibilities of the Special Committee shall be to:

(1) Develop and propose a comprehensive youth violent crime prevention policy for the District of Columbia;

(2) Conduct a comprehensive study and hold public hearings to determine the precursors to and impact of youth violent crime in the District of Columbia;

(3) Consolidate the review and oversight of strategies designed to address youth violence;

(4) Identify the impediments to reducing the number of youth homicide victims and offenders, as well as the resources available and avenues for cooperation among District agencies to address the needs of at-risk youth;

(5) Evaluate and recommend preferred alternatives for preventing youth violent crime and mitigating the impact of youth crime upon its victims;

(6) Create a comprehensive set of policy recommendations for the Council's consideration aimed at preventing and reducing youth violent crime through a multi-faceted strategy that will permit objective evaluation of what works and does not work; and

(7) Develop legislation to enact the recommendations, goals, or timetables set forth in the comprehensive youth violent crime prevention policy, as appropriate.

Sec. 6. Hearings and meetings; quorum.

(a) A hearing of the Special Committee may be called by the chair, which shall be held pursuant to the rules promulgated under section 8.

(b) A meeting of the Special Committee may be called by the chair, which shall be held pursuant to the rules promulgated under section 8.

(c)(1) For the purposes of a hearing, one member of the Special Committee shall constitute a quorum.

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(2) For the purposes of a meeting, 3 members of the Special Committee shall constitute a quorum.

Sec. 7. Staff.

(a) The Special Committee may appoint staff or consultants to assist and advise the Special Committee on matters before the Special Committee.

(b) The budget for staff or consultants shall be no more than \$75,000.

Sec. 8. Rules.

The Special Committee, pursuant to section 226 of the Council Rules, shall adopt written rules, not inconsistent with the Council Rules, this resolution, or other applicable law, to govern its procedures.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director.

Sec. 10. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

16-61

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To establish a special committee to undertake a special project to develop and propose a comprehensive policy to substantially increase the participation of local, small, and disadvantaged business enterprises in economic development in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Committee on a Comprehensive Policy for Local, Small, and Disadvantaged Business Enterprises Establishment Resolution of 2005".

Sec. 2. Establishment of a Special Committee on a Comprehensive Policy for Local, Small, and Disadvantaged Business Enterprises.

(a) Pursuant to section 251 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 16 ("Council Rules"), there is hereby established the Special Committee on a Comprehensive Policy for Local, Small, and Disadvantaged Business Enterprises ("Special Committee").

(b) Pursuant to section 253 of the Council Rules, the Special Committee is charged with undertaking the Special Project on a Comprehensive Policy for Local, Small, and Disadvantaged Business Enterprises.

Sec. 3. Membership and chairmanship of the Special Committee.

(a) The Special Committee shall be comprised of the following members of the Council: Councilmembers Kwame Brown, Sharon Ambrose, Vincent Gray, Vincent Orange, and Marion Barry.

(b) Councilmember Brown shall chair the Special Committee.

Sec. 4. Responsibilities of the Special Committee.

(a) The responsibilities of the Special Committee shall be to:

(1) Conduct a comprehensive study and hold public hearings to determine the true participation levels in the District's economic development by local, small, and disadvantaged business enterprises ("LSBDEs") operating in the District;

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(2) Determine the actions necessary to increase participation in economic development by LSBDEs in the District's projects, procurement, provision of services, and other programs administered by the District government, including its departments, offices, independent agencies, corporations, and commissions ("District government").

(3) Review the effectiveness of current programs and plans administered by the District government aimed at supporting and increasing participation by LSBDEs in economic development in the District;

(4) Review the best practices used in other jurisdictions to maximize the contributions that LSBDEs can make to the District's operations, tax base, neighborhoods, and residents;

(5) Evaluate the ability of the District government to implement new economic development policy initiatives based upon the findings of the Special Committee; and

(6) Research and propose a comprehensive set of policy recommendations and strategies aimed at substantially increasing the growth, awareness, and participation of LSBDEs within the District.

(b) The responsibilities of the Special Committee shall be limited to those enumerated in subsection (a) of this section.

Sec. 5. Hearings and meetings; quorum.

(a) A hearing of the Special Committee may be called by the chair, which shall be held pursuant to the rules promulgated under section 7.

(b) A meeting of the Special Committee may be called by the chair, which shall be held pursuant to the rules promulgated under section 7.

(c)(1) For the purposes of a hearing, one member of the Special Committee shall constitute a quorum.

(2) For the purposes of a meeting, 3 members of the Special Committee shall constitute a quorum

Sec. 6. Staff.

(a) The Special Committee may appoint staff or consultants to assist and advise the Special Committee on matters before the Special Committee.

(b) The budget for staff or consultants shall be no more than \$75,000.

Sec. 7. Rules.

The Special Committee, pursuant to section 226 of the Council Rules, shall adopt written rules, not inconsistent with the Council Rules, this resolution, or other applicable law to govern its procedures.

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Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director.

Sec. 9. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

16-62

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to de-couple District of Columbia law from depreciation and expense election provisions added to the Internal Revenue Code of 1986 by the Jobs and Growth Tax Relief Reconciliation Act of 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The current emergency version (D.C. Act 15-644) expires on March 29, 2005.

(b) The temporary version (D.C. Act 15-736) is pending Congressional review.

(c) The federal Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a small business can deduct for property acquired in the current year from \$25,000 to \$100,000.

(d) At the Committee on Finance and Revenue's January 29th public roundtable on the permanent version of this legislation, the Office of Tax and Revenue testified that "though intended as a business incentive, the new depreciation tax breaks threatened to cost states large amounts of revenue."

(e) In response, the Office of Tax and Revenue further testified that "many states, including Virginia and Maryland, moved quickly to "de-couple" from the federal code — in effect, disallowing the depreciation provisions" and "in the absence of the proposed legislation, there would be a potential loss of \$2.46 million in FY 2004 and \$9.29 million in FY 2004 through FY 2007."

(f) Since this tax policy at the federal level impact the District's tax policy in tax year 2005, the underlying emergency legislation is warranted.

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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 Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

MAR 11 2005

ENROLLED ORIGINAL

A RESOLUTION

16-63

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to relieve the financial burdens placed upon District of Columbia government employees who serve in the reserve units of the United States Armed Forces and have been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) On September 14, 2001, President George W. Bush issued a proclamation, "Declaration of National Emergency by Reason of Certain Terrorist Attacks," which declared a national emergency due to the September 11, 2001 terrorist attacks on the World Trade Center in New York and the Pentagon. The resulting military operations were named Operation Enduring Freedom.

(b) On September 14, 2001, in furtherance of the aforementioned proclamation, President George W. Bush issued Executive Order 13223, ordering the Ready Reserve of the Armed Forces to active duty, in addition to providing additional authority to the Department of Defense and the Department of Transportation.

(c) The Operation Enduring Freedom Active Duty Pay Differential Emergency Amendment Act of 2001, effective January 8, 2002 (D.C. Act 14-225; 49 DCR 664), provided for payment of a pay differential for each employee called to active duty as a result of Operation Enduring Freedom. D.C. Act 14-225 specified that the pay differential would be paid for any period following the formal inception of Operation Enduring Freedom during which the employee was carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty, or until September 30, 2002, whichever occurred first. D.C. Act 14-225 expired on April 8, 2002.

(d) The Operation Enduring Freedom Active Duty Pay Differential Temporary Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-113; 49 DCR 1416), provided for continuation of payment of a pay differential for each employee called to active duty as a result of Operation Enduring Freedom. D.C. Law 14-113 specified that the pay differential would be paid for any period following the formal inception of Operation Enduring Freedom during which the employee was carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty, or until September 30, 2002, whichever occurred first. D.C. Law 14-113 expired on November 24, 2002.

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(e) The Operation Enduring Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2002, effective October 23, 2002 (D.C. Act 14-498; 49 DCR 9795), provided for payment of the pay differential for each employee who, as of September 30, 2002, had been called to active duty from reserve units as a result of Operation Enduring Freedom. D.C. Act 14-498 expired on December 30, 2002.

(f) The Operation Enduring Freedom conflict has not ended and, on March 19, 2003, Operation Iraqi Freedom began. Additional employees have been called to active duty as a result. Accordingly, the District of Columbia authorized a pay differential for employees called to active duty for this purpose as well as the continuation of the payment to employees called to active duty after September 30, 2002, through the enactment of Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2003, effective April 16, 2003 (D.C. Act 15-74; 50 DCR 3619), and the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2003, effective May 19, 2003 (D.C. Law 15-23; 50 DCR 4339). D.C. Law 15-23 expired on March 3, 2004.

(g) The Council continued the authority for the pay differential through the enactment of the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Second Emergency Amendment Act of 2004, effective December 29, 2004 (D.C. Act 15-646; 52 DCR 233), which expires on March 29, 2005. The Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Second Temporary Amendment Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-737), is pending Congressional review and is not projected to become law until April 1, 2005.

(h) This emergency is necessary to prevent a gap in the legal authority.

(i) The enactment of the proposed emergency will continue authority to provide a pay differential in an amount equal to any difference between the employees' basic District of Columbia government pay and their basic military pay.

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 Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-64

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act To establish a code of a law for the District of Columbia to require that an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings and is to be released from detention in the criminal or transfer proceeding be remanded by the court to the hospital for detention pending a hearing on a civil commitment petition that was filed prior to the court's determination that the person be released, to provide that a person who is so detained may request a probable cause within 7 days of the remand order, to require that requested probable cause hearing be held within 24 hours of receipt of the request, and to require that a court stay for a period not to exceed 48 hours execution of an order releasing an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings, and for whom a civil commitment petition has not been filed, to afford the appropriate authority an opportunity to initiate proceedings for the person's emergency hospitalization under Chapter 5 of Title 21 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Prevention of Premature Release of Mentally Incompetent Defendants Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) On October 10, 2002, Claude Rashad McCants was murdered outside of his home in Northeast Washington. A mentally ill individual who had been released into the community after being found mentally unfit to stand trial for previous assault charges was charged with second-degree murder for the killing of Mr. McCants. Although the criminal charges on the mentally ill individual had been dismissed prior to his release, there was a pending civil commitment proceeding.

(b) The Prevention of Premature Release of Mentally Incompetent Defendants Emergency Amendment Act of 2004, effective December 29, 2004 (D.C. Act 15-647), which strengthens the District of Columbia's ability to detain a mentally incompetent criminal defendant until a civil commitment proceeding can be concluded, is expected to expire on March 29, 2005.

(c) The Prevention of Premature Release of Mentally Incompetent Defendants Amendment Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-566; 51 DCR 10547), is pending Congressional review and is not projected to become law until May 11, 2005.

(d) This emergency legislation is 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 Prevention of Premature Release of Mentally Incompetent Defendants Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-65

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the Emancipation Day Parade and related activities to celebrate and commemorate District of Columbia Emancipation Day and to establish the Emancipation Day Fund to accept and use gifts to fund the parade.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The District of Columbia Emancipation Day Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-237; D.C. Official Code § 1-612.02a), established April 16th of each year as a private legal holiday.

(b) To celebrate and commemorate this historic event, the Emancipation Day Parade was established, by the Emancipation Day Fund Emergency Act of 2003, effective February 24, 2003 (D.C. Act 15-17; 50 DCR 1948), and temporary legislation (D.C. Law 15-9).

(c) The Emancipation Day Fund was also established to accept and use gifts for the purpose of funding the Emancipation Day Parade and related activities.

(d) The temporary law will expire on January 16, 2004, making it necessary to enact emergency and temporary legislation to maintain the parade and fund for this year's celebration.

(e) The maintenance of the Emancipation Day Fund is necessary to receive monies for the purposes of assisting with funding the Emancipation Day Parade and activities associated with the celebration and commemoration of the District of Columbia Emancipation Day, a private legal holiday on April 16, 2004.

(f) Pursuant to section 115 of the District of Columbia Appropriations Act of 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 949), the Council may accept and use gifts without prior approval by the Mayor.

(g) The maintenance of the Fund will enable the Council of the District of Columbia to support the activities associated with this historical day.

(h) The emergency legislation is necessary because Act 15-597, the District of Columbia Emancipation Day Parade and Fund Act of 2004 is currently pending Congressional review, with a projected law date of March 16, 2005. The 1st emergency Congressional review emergency act (D.C. Act 15-660) will expire on March 3, 2005.

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Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Emancipation Day Parade and Fund Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

MAR 11 2005

ENROLLED ORIGINAL

A RESOLUTION

16-66

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide that revenues from fishing and hunting licensing schemes shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division in its role of protecting and managing aquatic life.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Water Pollution Control Emergency Declaration Resolution of 2005".

Sec. 2. (a) There existed an immediate threat to aquatic life in the waters of the District of Columbia.

(b) Two separate federal audits raised concerns about unsupported costs and determined that the District's assent legislation in the Water Pollution Control Act of 1984 did not conform to the federal language requirements and, therefore, was not strong enough to ensure that the funds would only be used for the protection of aquatic life by the Fisheries and Wildlife Division.

(c) The Department of the Interior, United States Fish and Wildlife Service advised the District that if the language was not changed to conform more closely to the federal legislation, the District risked losing its eligibility to participate in the Federal Aid in Sport Fish Restoration Act of 1950, as amended, which provides approximately \$900,000 in federal funding to the District each year.

(d) In December 2004, the Council enacted the Water Pollution Control Emergency Amendment Act of 2004, effective (D.C. Act 15-655; 52 DCR 477) ("Emergency Act"), which remedied the above-referenced issue. The Emergency Act expires on March 29, 2005.

(e) Temporary legislation, the Water Pollution Control Temporary Amendment Act of 2004, signed by the Mayor on January 19, 2005 (D.C. Act 15-735; 52 DCR ___), was transmitted to Congress on February 4, 2005, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until April 11, 2005.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Water Pollution Control Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-67

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to order the closing of a portion of the alley system in Square 317, bounded by 11th, K, 12th, and I Streets in Northwest Washington, D.C. in Ward 2.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square 317, S.O. 04-7832, Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The alley closing legislation will facilitate the development of approximately one-half of the square as an office building. This development will have a positive fiscal impact on the District of Columbia through the generation of substantial new property tax revenues. The development will also create a significant number of jobs during construction.

(b) Advisory Neighborhood Commission 2F supports the alley closing.

(c) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously and ensure the feasibility of the project. Proceeding forward with the development and obtaining permits for construction on site is dependent upon the Council's approval of the alley closing.

(d) The emergency act, D.C. Act 15-656, will expire on March 29, 2005 and the permanent legislation, D.C. Act 15-703, is currently pending Congressional review, with a projected enactment date of April 11, 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 Closing of a Public Alley in Square 317, S.O. 04-7832, Congressional Review Emergency Act of 2005, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

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A RESOLUTION

16-68

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the Department of Youth Rehabilitation Services as a cabinet-level agency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Youth Rehabilitation Services Establishment Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to improve the provision and delivery of juvenile justice services for youth in the District of Columbia. The Youth Services Administration has operated under a consent decree in the *Jerry M.* litigation since 1986, and the Administration's efforts to reform the juvenile justice system have been slowed due to frequent changes in leadership, high management and staff turnover, large numbers of personnel vacancies, overcrowding at the Oak Hill Youth Center, marked decreases in community-based residential beds, high youth abscondence from group and shelter homes, and competing fiscal priorities within a larger agency.

(b) There is an immediate need to establish a cabinet-level agency and provide special authorities that enhance the reform efforts of the juvenile justice system by improving the security, supervision, and rehabilitation services provided to committed and detained juvenile offenders and Persons in Need of Supervision.

(c) The need for a cabinet-level agency is recommended by the Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform dated November 6, 2001; the Fiscal Year 2002-2003 Annual Report of the Juvenile Justice Advisory Group; and the Blueprint for Tomorrow: Transforming Juvenile Justice Services and Program Delivery in the District of Columbia dated June 2, 2004. In addition, the court-approved Special Arbiter and parties in the *Jerry M.* litigation have included creation of a cabinet-level agency as the first goal in the work plan to achieve compliance with the consent decree.

(d) The Department of Youth Rehabilitation Services Establishment Emergency Act of 2004, effective December 29, 2004 (D.C. Act 15-657), expires on March 29. The Department of Youth Rehabilitation Services Establishment Act of 2004, signed by the Mayor on January 21,

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2005 (D.C. Act 15-749), is pending Congressional review and is not projected to become law until April 14, 2005.

(e) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Youth Rehabilitation Services Establishment Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-69

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to require the establishment of a process to invite and evaluate viable private or alternative financing proposals for the construction of a ballpark that would substantially reduce the level of public financing and the amount or duration of the ballpark fee otherwise required by the Ballpark Omnibus Financing and Revenue Act of 2004, and with respect to the need to require a re-estimation by the Chief Financial Officer of the land acquisition and infrastructure costs of the South Capitol ballpark site, and, if the re-estimated costs exceed \$165 million to require the Mayor and the Sports and Entertainment Commission to pursue replacement of the South Capitol site with a substantially less costly site.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Private or Alternative Stadium Financing and Cost Trigger Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) The projected costs of constructing a baseball stadium pursuant to the Ballpark Omnibus Financing and Revenue Act of 2004, passed on 2nd reading on December 14, 2004 (Enrolled version of Bill 15-1028) ("Ballpark Act"), range from \$434.7 million, as estimated in the Baseball Stadium Agreement ("Agreement") signed by the Mayor on September 29, 2004; to \$534.8 million, as estimated by the Chief Financial Officer on October 27, 2004; to \$583.8 million, as estimated by the District of Columbia Auditor on November 12, 2004; and to \$614 million, as estimated by The Washington Post news department on November 14, 2004.

(b) The overwhelming majority of the costs of constructing a baseball stadium pursuant to the Ballpark Act will be financed with public funds, mostly from a ballpark fee to be paid annually by the largest District businesses.

(c) The amount of the currently proposed ballpark fee is substantially higher, and the duration of the fee is substantially longer, than the originally proposed ballpark fee, and substantially higher and longer than the arena fee previously paid by District businesses to assist with land acquisition and infrastructure costs related to the construction of the MCI Center.

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(d) Many businesses expressed concern that the proposed ballpark fee would have an adverse impact upon their businesses, and that the amount and duration of the proposed ballpark fee would be required to be increased even further if the cost of the stadium project runs higher than estimated.

(e) A process needed to be established to formally invite and evaluate the submission of viable alternative or private financing proposals for the construction of a ballpark to determine whether the cost to the District and its businesses can be substantially reduced in a manner that is not inconsistent with the Agreement, and prior to the date on which the first annual ballpark fee must be paid in June 2005.

(f) In December 2004, the Council enacted the Private or Alternative Stadium Financing and Cost Trigger Emergency Act of 2004, effective December 29, 2004 (D.C. Act 15-718; 52 DCR ___) ("Emergency Act"), which addressed this need. The Emergency Act expires on March 29, 2005.

(g) Permanent legislation, the "Ballpark Omnibus Financing and Revenue Act of 2004, signed by the Mayor on December 29, 2004 (D.C. Act 15-717; 52 DCR ___), was transmitted to Congress on February 4, 2005, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until April 11, 2005.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Private or Alternative Stadium Financing and Cost Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-70

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency with respect to the need to make a number of technical corrections, including adding provisions of an amendment which were not reflected in the enrollment of Bill 15-1070, correcting a cross-reference, correcting the name of an entity which was given a tax exemption, clarifying the commencement date of the change in a utility tax rate, and clarifying the scope of a tax exemption.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Finance and Revenue Technical Corrections Emergency Declaration Resolution of 2005".

Sec. 2. (a) The enrollment of Bill 15-1070 (D.C. Act 15-738), the Tax Abatement Adjustment for Housing Priority Area Act of 2004 inadvertently omitted an amendment made from the dais.

(b) Bill 15-1070 (D.C. Act 15-738), the Tax Adjustment for Housing Priority Area Act of 2004, should have extended the tax abatement to an owner within eligible area #2 as well as the downtown area.

(c) D.C. Act 15-750, the Douglass Knoll, Golden Rule, 1728 W Street, and Wagner Gainesville Real Property Tax Exemption Act of 2004 incorrectly referred to "Golden Rule Place" rather than "Golden Rule Plaza".

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

(e) This legislation, with technical errors, will become law on March 15, 2005 if not corrected by emergency legislation.

(f) D.C. Act 10-315, the Arena Tax Amendment Act of 1994, provides a real property tax exemption to a "downtown sports arena," which phrase is being clarified at the request of the Chief Financial Officer of the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Finance and Revenue Technical Corrections Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-71

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency with respect to the need to exempt from taxation ticket sales for the 2005 Atlantic Coast Conference Basketball Championship Tournament.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Atlantic Coast Conference Tournament Ticket Tax Clarification Emergency Declaration Resolution of 2005".

Sec. 2. (a) In the fall of 2004, the MCI Center's Washington Sports and Entertainment negotiated to bring the Atlantic Coast Conference Basketball Championship Tournament ("ACC Tournament") to the District of Columbia.

(b) Tax exemptions for ticket sales are commonly provided by all other major cities, because of the economic benefits that bringing major conference tournaments, such as the ACC Tournament, provide to area restaurants, hotels, and retail establishments.

(c) The MCI Center assumed that ticket sales to the ACC Tournament were tax exempt and proceeded accordingly.

(d) The city will benefit greatly from the MCI Center hosting the ACC Tournament in the form of additional tax revenue from visitors attending the tournament patronizing District of Columbia hotels, restaurants, and retail establishments.

(e) If the exemption is not in place, the MCI Center will have to reimburse the city for the cost of ticket sales that are being sold without tax and will experience a significant loss for hosting the ACC tournament.

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 Atlantic Coast Conference Tournament Ticket Tax Clarification Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$18 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Hogar Hispano, Inc., 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 "Hogar Hispano, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2005".

Sec. 2. Emergency circumstances.

(a) Hogar Hispano, Inc., (the "Borrower") is a nonprofit corporation organized under the laws of the District of Columbia which seeks to have the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$18 million (the "Bonds") in connection with the (1) financing, refinancing, or reimbursing of the Borrower of the costs of acquisition and renovation of and approximately 60,000 square foot building located at 1126 16th Street, N.W., Washington, D.C., to be used as the Headquarters of the Borrower (Square 183, Lot 881), (2) to fund any required deposit to a debt service reserve fund, other reserve fund, or capitalized interest fund, (3) to pay the cost of issuance, and (4) to pay the costs of any bond insurance or other debt enhancement (the "Project") and to make 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 and in order for the Borrower to maximize interest savings on the District of Columbia revenue bonds the issuance needs to occur prior to the next scheduled Council meeting. Council approval of the bond resolution authorizing the issuance of the District of Columbia revenue bonds would permit bonds to be issued promptly to provide maximum savings for the Borrower.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Hogar Hispano, Inc. Revenue Bonds Project Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-73

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$18 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Hogar Hispano, 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 "Hogar Hispano, Inc. Revenue Bonds Project Emergency Approval Resolution of 2005".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be Hogar Hispano, Inc., a nonprofit corporation 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 any such documents.

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(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 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, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(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) The financing and refinancing of all or a portion of the costs of the acquisition and renovation of an approximately 60,000 square foot office building to be located at 1126 16th Street, N.W., Washington, D.C. (lot 881, square 183);

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

(C) The paying 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, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$18 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 \$18 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 or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the

District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of 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 such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the Bonds.

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

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than 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 all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. 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, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project 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. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

16-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency with respect to the need to state the sense of the Council on expending not more than \$650,000 of funds under the District of Columbia Commercial Revitalization Program to assist the 1329 Kenilworth Avenue, L.L.C., in developing, rehabilitating, maintaining, equipping, and operating a regional bakery manufacturing facility in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council On the Use of \$650,000 of Commercial Revitalization Program Funds Emergency Declaration Resolution of 2005".

Sec. 2. The Council finds that:

(1) The immediate release of certain tax benefits under the District of Columbia Commercial Revitalization Program ("CRP") to the developers of a Dunkin' Donuts manufacturing facility in Ward 7 will avoid the inefficient use of resources dedicated to revitalizing enterprise zones.

(2) The CRP was established to include a \$6.5 million nonlapsing fund of direct spending authority and tax expenditure authority, pursuant to the District of Columbia Appropriations Act of 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), and the District of Columbia Appropriations Act of 2001, approved November 22, 2000 (Pub. L. No. 106-522; 114 Stat. 2440), ("Appropriations Acts").

(3) Under the Appropriations Acts, the Mayor, in consultation with the Council, is authorized to establish a program that provides offsets against local taxes to selected businesses to stimulate increased investment within low- and moderate-income areas of the District, such as the District of Columbia Enterprise Zone and other federally designated areas.

(4) The CRP is administered by the Deputy Mayor for Planning and Economic Development, who uses program funds in conjunction with other District and federal resources, such as Community Development Block Grants, Economic Development Administration grants, Brownfields loans, grants and credits, enterprise zone tax incentives, private activity bonds, tax-increment bonds, and other tools that leverage private investment in priority development areas.

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(5) CRP priority areas include DC Enterprise Zone locations, and "priority development areas" as defined under the National Capital Revitalization Act, and areas within close proximity to sites that will house "Government Centers" projects.

(6) The Appropriation Acts provided for the use of up to \$5 million to offset the fiscal impact of tax concessions awarded to investors in such areas, and authorized the making of \$1.5 million of grants for such purposes.

(7) The Council endorses the Mayor seeking consultation with the Council for each project that will receive an expenditure from the \$5 million of tax concessions and \$1.5 million of grants under the CRP.

(8) On December 2, 2003, the Council passed Resolution 15-360, the 1329 Kenilworth Avenue L.L.C. Revenue Bond Project Emergency Approval Resolution of 2003, which authorized and provided for the issuance, sale, and delivery of District of Columbia revenue bonds to assist in the financing, refinancing, or reimbursing of costs associated with the development of a Dunkin' Donuts manufacturing plant in Ward 7.

(9) The Indenture of Trust between the District and United Bank authorized the issuance of District of Columbia Variable Rate Revenue Bonds (1329 Kenilworth Avenue L.L.C. Issue) Series 2004 ("VRR Bonds").

(10) Money from the VRR Bonds assisted the 1329 Kenilworth Avenue, L.L.C., in constructing a Dunkin' Donuts manufacturing plant, which is nearly complete.

(11) The agreements between the District and the 1329 Kenilworth Avenue, L.L.C., contemplated that the District would provide certain tax benefits, under the CRP, as a condition precedent to the Bond trustee releasing funds held in a Hold-Back Account of the project within 6 months of the issuance of the VRR Bonds.

(12) If the CRP tax benefits are not approved in a timely fashion, the funds in the Hold-Back Account shall be used for purposes other than the completion of the facility at 1329 Kenilworth Avenue.

(13) Immediately providing not more than \$650,000 of CRP tax benefits to assist the 1329 Kenilworth Avenue, L.L.C., and the Central Baking Company ("Dunkin' Donuts Bakery") in developing, rehabilitating, maintaining, equipping, and operating a regional bakery manufacturing facility in Ward 7 will generate employment opportunities by helping to increase commercial activity in an area of the District that lacks substantial industry, trade, and commerce.

(14) Advisory Neighborhood Commission 7D voted unanimously on February 8, 2005, to approve the Dunkin' Donuts bakery's renovation of the facility at 1329 Kenilworth Avenue, N.E.

(15) The 1329 Kenilworth Avenue, L.L.C., signed, on July 1, 2003, a first-source employment agreement with the Department of Employment Services ("DOES"), under which it will use DOES as its first source for recruitment, referral, and placement of new hires or employees for the new jobs created by this project and will hire 51% District residents for all new jobs created. In addition, 51% of apprentices employed in connection with the project shall

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be District residents registered in programs approved by the District of Columbia Apprenticeship Council.

(16) The proposed tax offsets will be administered through a special tax offset and tax credit account in an aggregate not to exceed \$650,000 on behalf of the Dunkin' Donuts Bakery.

(17) Annual tax offsets of up to \$110,000 are to be based on reimbursements of sales and use taxes, real property taxes, and personal property taxes paid by the Dunkin' Donuts Bakery, in amounts not to exceed \$50,000, \$40,000, and \$20,000, respectively.

(18) For the period July 1, 2004 through June 30, 2007, up to \$2,000 of one-time employment tax credits are to be made available to the Dunkin' Donuts Bakery for each District resident employed full-time by the Dunkin' Donuts Bakery for a period of at least 12 consecutive months during the previous year. The maximum aggregate claim by the Dunkin' Donuts Bakery of employment tax credits shall not exceed \$50,000.

(19) The District of Columbia will rebate not more than \$50,000 of verified real property taxes paid by the 1329 Kenilworth Avenue, L.L.C., for the period from January 1, 2000 to June 30, 2004 for real estate property taxes with respect to the land or any improvements thereon, sales, and personal property tax.

(20) The tax offsets are to be claimed annually, and the claim period shall commence July 1, 2004, and shall end June 30, 2009.

(21) The Dunkin' Donuts Bakery is a regional bakery manufacturing facility that will service up to 5 new Dunkin' Donut retail stores to be constructed in the District in 2004 and 2005, as well as Dunkin' Donut retail stores throughout northern Virginia.

(22) The Dunkin' Donuts Bakery will bring more than 30 new jobs to the District, restore the blighted building at that location, greatly improve the appearance of the area, and increase the value of the property.

(23) Immediate release of the funds under the CRP will permit the appropriate and intended release of funds in the Hold-Back Account for the purpose intended in the VRR Bond documents and is necessary for the developer to complete and provide jobs at the Dunkin' Donuts manufacturing facility in Ward 7.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council On the Use of \$650,000 of Commercial Revitalization Program Funds Emergency Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare, on an emergency basis, the sense of the Council on expending not more than \$650,000 of funds under the District of Columbia Commercial Revitalization Program to assist the 1329 Kenilworth Avenue, L.L.C., and the Central Baking Company in developing, rehabilitating, maintaining, equipping, and operating a regional Dunkin' Donuts bakery manufacturing facility in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council On the Use of \$650,000 of Commercial Revitalization Program Funds Emergency Resolution of 2005".

Sec. 2. The Council finds that:

(1) The District of Columbia Commercial Revitalization Program ("CRP") was established to include a \$6.5 million nonlapsing fund of direct spending authority and tax expenditure authority, pursuant to the District of Columbia Appropriations Act of 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), and the District of Columbia Appropriations Act of 2001, approved November 22, 2000 (Pub. L. No. 106-522; 114 Stat. 2440) ("Appropriations Acts").

(2) Under the Appropriations Acts, the Mayor, in consultation with the Council, is authorized to establish a program that provides offsets against local taxes to selected businesses to stimulate increased investment within low- and moderate-income areas of the District, such as the District of Columbia Enterprise Zone and other federally designated areas.

(3) The Appropriation Acts provided for the use of up to \$5 million to offset the fiscal impact of tax concessions awarded to investors in such areas, and authorized the making of \$1.5 million of grants for such purposes.

(4) The Mayor should seek consultation with the Council for each project that will receive a unique expenditure from the \$5 million of tax concessions and \$1.5 million of grants under the CRP.

(5) Providing not more than \$650,000 of CRP tax benefits to assist the 1329 Kenilworth Avenue, L.L.C., and the Central Baking Company ("Dunkin' Donuts Bakery") in

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developing, rehabilitating, maintaining, equipping, and operating a regional bakery manufacturing facility in Ward 7 will generate employment opportunities by increasing commercial activity in an area of the District that lacks substantial industry, trade, and commerce.

(6) The Dunkin' Donuts bakery is located in Advisory Neighborhood Commission ("ANC") 7D. ANC 7D voted unanimously on February 8, 2005 to approve the Dunkin' Donuts bakery location.

(7) The 1329 Kenilworth Avenue, L.L.C., signed, on July 1, 2003, a first-source employment agreement with the Department of Employment Services ("DOES"), under which it will use DOES as its first source for recruitment, referral, and placement of new hires or employees for the new jobs created by this project and will hire 51% District residents for all new jobs created, with 51% of apprentices employed in connection with the project being District residents registered in programs approved by the District of Columbia Apprenticeship Council.

(8) The proposed CRP tax offsets will be administered through a special tax offset and tax credit account in an aggregate not to exceed \$650,000 on behalf of the Dunkin' Donuts Bakery. Annual tax offsets of up to \$110,000 are to be based on reimbursements of sales and use taxes, real property taxes, and personal property taxes paid by the Dunkin' Donuts Bakery, in amounts not to exceed \$50,000, \$40,000, and \$20,000, respectively. The maximum aggregate claim by the Dunkin' Donuts Bakery for employment tax offsets shall not exceed \$50,000. The District of Columbia will rebate not more than \$50,000 of verified real property taxes paid by the 1329 Kenilworth Avenue, L.L.C., for the period from January 1, 2000 to June 30, 2004 for real estate property taxes with respect to the land or any improvements thereon, sales, and personal property tax.

(9) The Dunkin' Donuts Bakery is a regional bakery manufacturing facility that will service up to 5 new Dunkin' Donut retail stores to be constructed in the District in 2004 and 2005, as well as Dunkin' Donut retail stores throughout northern Virginia.

(10) The Dunkin' Donuts Bakery will create more than 30 new jobs in the District, restore the blighted building at that location, greatly improve the appearance of the area, and increase the value of the property.

Sec. 3. It is the sense of the Council that not more than \$650,000 in tax benefit funding provided under the Commercial Revitalization Program be allocated to the 1329 Kenilworth Avenue, L.L.C., and the Central Baking Company for the proposed Dunkin' Donuts regional bakery and manufacturing plant in an effort to encourage business investment in the Ward 7 Enterprise Zone, and provide employment opportunities for District residents.

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Sec. 4. Fiscal impact statement.

There is no fiscal impact to this resolution since the resolution establishes Council approval of the expenditure of \$650,000 of the \$6.5 million of funding that had been previously appropriated in the 2000 and 2001 appropriation acts for this purpose in a nonlapsing fund. The Council adopts the attached fiscal impact statement 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. 5. This resolution shall take effect immediately.

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A RESOLUTION

16-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency with respect to the need to detail the purpose for the expenditure of up to \$35 million from the 2005 reserve funds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2005 Operating Cash Reserve Allocation Emergency Declaration Resolution of 2005".

Sec. 2. (a) Congressional requirements regarding the use of the District's reserve funds requires that the Council enact a law detailing the purpose of the expenditure prior to the use of the funds.

(b) An amount not to exceed \$35 million from the fiscal year 2005 operating cash reserve funds must be made available immediately to address spending pressures and to provide funding for additional program requirements.

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 Operating Cash Reserve Allocation Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-77

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. POKT-2004-B-0097-NJ and to authorize payment for the goods received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POKT-2004-B-0097-NJ Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. POKT-2004-B-0097-NJ for full service recycling carts and to authorize payment for the goods received under that contract.

(b) The Office of Contracting and Procurement (OCP) awarded a 90-day letter contract to C&E Services Inc. of Washington (C&E) in the amount of \$970,200.00 on December 1, 2004, and C&E has performed under the terms of the letter contract. Since the definitized contract could not be completed by February 28, 2005, the OCP extended the letter contract for 32 days, until April 1, 2005, for an additional \$26,950.00.

(c) The letter agreement was awarded to provide a continuation of recycling services to protect the health, safety, and welfare of District citizens, and to avoid significant costs to extend the private recycling collection contract. The total contract amount, including the letter contract and the definitized contract, is \$3,810,500.00.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POKT-2004-B-0097-NJ Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2005

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 2005".

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) On December 21, 2004, the Council passed D.C. Act 15-734, the Carver 2000 Low-Income and Senior Housing Project Emergency Act of 2004, and had first reading of D.C. Act 15-768, the Carver 2000 Low-Income and Senior Housing Project Amendment Temporary Act of 2005. During consideration of these acts, the Council amended the legislation to change the limitation on tax and fee abatement from "shall not exceed \$50,000 per year" to "shall not exceed \$300,000".

(d) The emergency act, D.C. Act 15-734, went forward with the \$300,000 limitation. However, when the temporary act, D.C. Act 15-768, was engrossed, it included both the \$50,000 and the \$300,000 limitations. On January 4, 2005, the Council gave final consideration to D.C. Act 15-768. Believing the engrossed temporary was the same as the emergency, as is the practice, the Council amended it to remove the \$300,000 limitation. It was the intent and the belief of the Council that it was removing all limitations on fee and tax abatements for the Carver 2000 Low-Income and Senior Housing Project. However, because the engrossment included both limitations, the \$50,000-per-year limitation remained.

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(e) It was the intent of the Council to remove all limitations on tax and fee abatements for the Carver 2000 Low-Income and Senior Housing Project for 8 years. Unless new emergency and temporary legislation is passed, this will not be accomplished and the project will fail.

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 2005 be adopted after a single reading.

Sec. 4. The resolution shall take effect immediately.