

ENROLLED ORIGINAL

A RESOLUTION

17-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 15, 2008

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 1 to 34 and 36 to 38 to Contract No. GAFM-2007-C-0241, and to authorize payment to the Hess Construction Company in the amount of \$2,142,985 for the goods and services received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order Nos. 1 to 34 and 36 to 38 to Contract No. GAFM-2007-C-0241 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 1 to 34 and 36 to 38 to Contract No. GAFM-2007-C-0241 with Hess Construction Company for the provision of repairs to the boilers and heating systems at 54 District of Columbia Public Schools ("DCPS") facilities in the amount of \$2,142,985, and to authorize payment for the goods and services received under these change orders.

(b) On June 12, 2007, the Office of Public Education Facilities Modernization ("OPEFM") was established by section 702 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451).

(c) Prior to the creation of OPEFM, DCPS awarded to Hess Construction Company ("Hess") Contract No. GAFM-2007-C-0241 to repair and correct defective boilers and heating systems at DCPS facilities. Pursuant to Mayor's Order Number 2007-164, this contract and the responsibility to ensure that all DCPS facilities have functioning boilers and heating systems was assigned to OPEFM on August 14, 2007.

(d) To provide adequate heat at DCPS facilities in time for the 2007-2008 heating season, OPEFM modified contract number GAFM-2007-C-0241 to require Hess to inspect the boilers and heating systems and, if necessary, to develop and implement a corrective-action plan sufficient to ensure that heat was available in time for the beginning of the heating season. The modified contract ("Contract") was submitted to and approved by the Council.

(e) Since the exact scope of work at each school was not yet known when the Contract was awarded, the Contract allotted an allowance of \$25,000 per school for the cost of the work.

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Hess conducted a survey of each school to determine the exact scope of work required to meet the October 15, 2007, goal of providing adequate heat at each school and negotiated the cost of the work required with the OPEFM's program-management team. Change orders were issued to Hess to fund the actual cost of work at each school.

(f) Approval of these change orders and authorization of payment in the amount of \$2,142,985 to Hess is necessary to compensate Hess for the heating and boiler repair services it provided to address critical heating issues at DCPS facilities in time for the 2007-2008 heating season.

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 Change Order Nos. 1 to 34 and 36 to 38 to Contract No. GAFM-2007-C-0241 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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17-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 15, 2008

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 1 to 81 to Contract No. GAFM-2007-C-0240, and to authorize payment to Turner Construction Company in the amount of \$5,708,984 for the goods and services received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Order Nos. 1 to 81 to Contract No. GAFM-2007-C-0240 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 1 to 81 to Contract No. GAFM-2007-C-0240 with Turner Construction Company for the provision of repairs to the boilers and heating systems at 74 District of Columbia Public Schools ("DCPS") facilities in the amount of \$5,708,984, and to authorize payment for the goods and services received under these change orders.

(b) On June 12, 2007, the Office of Public Education Facilities Modernization ("OPEFM") was established by section 702 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451).

(c) Prior to the creation of OPEFM, DCPS awarded to Turner Construction Company ("Turner") Contract No. GAFM-2007-C-0240 to repair and correct defective boilers and heating systems at DCPS facilities. Pursuant to Mayor's Order Number 2007-164, this contract and the responsibility to ensure that all DCPS facilities have functioning boilers and heating systems was assigned to OPEFM on August 14, 2007.

(d) To provide adequate heat at DCPS facilities in time for the 2007-2008 heating season, OPEFM modified contract number GAFM-2007-C-0240 to require Turner to inspect the boilers and heating systems and, if necessary, to develop and implement a corrective-action plan sufficient to ensure that heat was available in time for the beginning of the heating season. The modified contract ("Contract") was submitted to and approved by the Council.

(e) Since the exact scope of work at each school was not yet known when the Contract was awarded, the Contract allotted an allowance of \$25,000 per school for the cost of the work.

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Turner conducted a survey of each school to determine the exact scope of work required to meet the October 15, 2007, goal of providing adequate heat at each school and negotiated the cost of the work required with the OPEFM's program-management team. Change orders were issued to Turner to fund the actual cost of work at each school.

(f) Approval of these change orders and authorization of payment in the amount of \$5,708,984 to Turner is necessary to compensate Turner for the heating and boiler repair services it provided to address critical heating issues at DCPS facilities in time for the 2007-2008 heating season.

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 Change Order Nos. 1 to 81 to Contract No. GAFM-2007-C-0240 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To appoint Mr. Matthew F. Shannon to the Children and Youth Investment Trust Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Children and Youth Investment Trust Corporation Board of Directors Matthew F. Shannon Appointment Resolution of 2008".

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

Mr. Matthew F. Shannon
3331 M Street, S. E.
Washington, D.C. 20019
(Ward 7)

to the Board of Directors of the Children and Youth Investment Trust Corporation, established pursuant to section 2404 of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; 46 DCR 6408), for a 3-year term, to end May 30, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Board of Directors of the Children and Youth Investment Trust Corporation, and 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.

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A RESOLUTION

17-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To appoint Mr. Peter A. Gallagher to the Children and Youth Investment Trust Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Children and Youth Investment Trust Corporation Board of Directors Peter A. Gallagher Appointment Resolution of 2008".

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

Mr. Peter A. Gallagher
715 East Capitol Street, S. E.
Washington, D.C. 20003
(Ward 6)

to the Board of Directors of the Children and Youth Investment Trust Corporation, established pursuant to section 2404 of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; 46 DCR 6408), for a 3-year term, to end May 30, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Board of Directors of the Children and Youth Investment Trust Corporation, and 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.

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A RESOLUTION

17-610

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To appoint Ms. Winifred Y. Carson to the Children and Youth Investment Trust Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Children and Youth Investment Trust Corporation Board of Directors Winifred Y. Carson Appointment Resolution of 2008".

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

Ms. Winifred Y. Carson
330 T Street, N.W.
Washington, D.C. 20001
(Ward 1)

to the Board of Directors of the Children and Youth Investment Trust Corporation, established pursuant to section 2404 of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; 46 DCR 6408), for a 3-year term, to end May 30, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Board of Directors of the Children and Youth Investment Trust Corporation, and 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.

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A RESOLUTION

17-611

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To appoint Ms. Charlotte Brookins-Hudson to the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Charlotte Brookins-Hudson Appointment Resolution of 2008".

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

Ms. Charlotte Brookins-Hudson
3166 Westover Drive, S. E.
Washington, D.C. 20020
(Ward 7)

as a voting member of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, established by section 9 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.06), for a term to end April 30, 2011.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, and 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

17-612

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To approve the District of Columbia Water and Sewer Authority plan to inspect, repair, and maintain all public fire hydrants, and the provision of adequate water pressure levels to all locations in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Plan for Public Fire Hydrant Maintenance and the Provision of Adequate Water Levels to District Hydrants Approval Resolution of 2008".

Sec. 2. Pursuant to section 205(i)(2) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.05(i)(2)), the Council approves the plan, submitted by the Board of the District of Columbia Water and Sewer Authority ("WASA") on January 29, 2008, to regularly inspect, repair, and maintain all public fire hydrants, which includes recommendations on the frequency of individual hydrant inspections, the provision of adequate water pressure levels to all locations in the District; and the use of National Fire Protection Association Standards to color code fire hydrants with dual-reflective bands based on water volume.

Sec. 3. Transmittal.

The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Board of the District of Columbia Water and Sewer Authority and to the Mayor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-613

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To confirm the appointment of Mr. Michael A. Nardelli to the Armory Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Armory Board Michael A. Nardelli Confirmation Resolution of 2008".

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

Mr. Michael A. Nardelli
309 4th Street, S.E., #1
Washington, D.C. 20006
(Ward 6)

as a member of the Armory Board, established by section 2 of An Act To establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Official Code § 3-302), for a 4-year term beginning on the date such member qualifies.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$1.7 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Euphemia L. Haynes Public Charter School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Euphemia L. Haynes Public Charter School Revenue Bonds Project Approval Resolution of 2008".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the Euphemia L. Haynes Public Charter School, Inc., a nonprofit corporation and exempt from federal income taxes.

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

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

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(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.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; 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, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and 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, reimbursing or refinancing of a portion of the costs of constructing and equipping of approximately 5,250 square feet of an approximately 46,000 net square foot building to be used as an elementary (including prekindergarten) and secondary school, located at 3600 Georgia Avenue, N.W., Washington, D.C. (Lot 150, Square 2897); and

(B) The paying of certain expenditures associated therewith including, without limitation, Issuance Costs, working capital, and reserves.

Sec. 3. Findings.

The Council finds that:

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

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$1.7 million, and to make the

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loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of elementary and secondary education facilities and contributes to the education of residents of the District within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$1.7 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, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

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

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily

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redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

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

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

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

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

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

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

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

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

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

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

Sec. 6. Sale of the bonds.

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

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

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matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(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 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.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and

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Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the bonds, or for any

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

Sec. 15. Expiration.

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

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Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To declare the existence of an emergency with respect to the need to authorize use of an automated parking enforcement system and to allow recorded images of parking violations to be submitted without authentication; to amend the District of Columbia Traffic Adjudication Act of 1978 to allow notices of infractions generated by an automated parking enforcement system to be served by mail and to be included in the Fleet Adjudication Program; and to make conforming changes to Title 18 of the District of Columbia Municipal Regulations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Street Sweeping Improvement Enforcement Emergency Declaration Resolution of 2008".

Sec. 2. (a) District neighborhoods suffer from inadequate street sweeping as a result of illegally parked vehicles that disrupt the path of street sweeping vehicles.

(b) Incomplete street sweeping in District neighborhoods leads to a general appearance of neglect and to increased stormwater pollution.

(c) The Department of Public Works does not have enough parking enforcement officers to enforce parking restrictions on street sweeping routes.

(d) Automated parking enforcement allowed through the Street Sweeping Improvement Enforcement Amendment Emergency Act of 2008 will facilitate 100% enforcement of illegal parking on street sweeping routes with no additional strain on limited parking enforcement resources.

(e) The Department of Public Works is prepared to begin testing automated parking enforcement cameras on street sweepers immediately upon the passage of enabling legislation.

(f) If automated parking enforcement tests are postponed until the passage of permanent legislation, the 2008 sweeping season is likely to be finished by the time the 45-day citation warning period expires, delaying complete testing of the program until Spring 2009.

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 Street Sweeping Improvement Enforcement Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To declare the existence of an emergency with respect to the need to order the closing of the public alleys in Squares 6123, 6125, and 6126, the extension of Foxhall Place, S.E, from its current end at a cul-de-sac through to 9th Street, S.E., the extension of Condon Terrace, S.E., from its current end at a cul-de-sac through to 9th Street, S.E., the narrowing of 8th Street, S.E., at the intersection of Condon Terrace, S.E., the dedication and designation of a new street running east and west between 8th Street, S.E., and 9th Street, S.E., bound by Lots 78 and 80 in Square 6123 to be designated Rolark Place, the dedication of a new public alley running east and west and the turning south that lies north of Foxhall Place, S.E., and south of Valley Avenue, which is abutted by Lots 66, 67, 68, 69, and 72 in Square 6126, the dedication of a new public alley starting at Condon Terrace, S.E., running north and south and then turning east and continuing to run east and west toward 9th Street, which is abutted by Lots 21, 22, 23, and 24 in Square 6125 and Lot 80 in Square 6123, the dedication of a new alley running east and west between 8th Street, S.E., and 9th Street, S.E., and abutting Lot 25 in Square 6125 and Lot 80 in Square 6123, the dedication of a new public alley starting at Lot 80 of Square 6123 and running north and south with 2 openings onto Rolark Place, S.E., between Lots 78 and 80 in Square 6123, in Ward 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126, S.O. 06-4886, Emergency Declaration Resolution of 2008".

Sec. 2. (a) The District of Columbia Housing Authority and CEMI-NMI Highlands, LLC, whose members are Crawford-Edgewood Managers, Inc., and New Market Investors, LLC, are proposing to close, dedicate, and designate new streets and alleys to make a new residential community.

(b) The subject property is located in the Washington Highlands neighborhood of Southeast Washington, in Ward 8, within the boundaries of Advisory Neighborhood Commission 8D.

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(c) The project site is bounded generally by Valley Avenue on the north, Wheeler Road on the east, Condon Terrace and 8th Street on the south and 9th Street on the west, in Southeast Washington.

(d) A former public housing development once located on the project site has been fully demolished and the project site is currently vacant.

(e) The proposed redevelopment plan is to construct 142 new dwelling units, including 120 townhouses, 4 single-family detached dwellings and 18 additional units.

(f) The proposed redevelopment plan will also create new interior streets that will connect to existing streets. This proposal is intended to create a greater sense of community and to provide a more efficient and convenient network of streets for neighborhood residents.

(g) The purpose of the street and alley dedication is to accommodate new vehicular and pedestrian access to and within the project site.

(h) The project site will be re-graded and the traffic patterns will be re-routed in order to accommodate the new development.

(i) The existing street plan was designed to serve the garden apartments in the former public housing project.

(j) A new street plan will allow new development to take full advantage of the topography, facilitate drainage and storm water control, promote public safety and access, and foster a more secure community identity.

(k) The permanent version of this emergency legislation, Bill 17-606, the Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126, S.O.06-4886, Act of 2008, passed on 2nd reading on Tuesday, May 6, 2008.

(l) This emergency legislation will allow the Washington Highlands project to stay on schedule, bringing much needed development to Ward 8.

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 Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126, S.O. 06-4886, Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To declare the existence of an emergency with respect to the need to amend the District of Columbia School Reform Act of 1995 to require that an existing tenant that is a public charter school in good standing or an organization providing educational or youth services under contract with the District government that has been a tenant since 2004 and is in good standing be given the right of first offer with regard to the purchase, lease, transfer, or use of a facility or property, and to clarify that nothing in the underlying legislation shall be construed to deem the subject facility or property surplus or to authorize the Mayor to dispose of the subject facility or property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia School Reform Property Disposition Clarification Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Office of Property Management ("OPM") intended to issue a solicitation of offers from public charter schools to lease the following former school buildings:

- (1) Keene, located at 33 Riggs Road, N. E.; and
- (2) Langston/Slater, located at 33/45 P Street, N. W.

(b) The Community Academy Public Charter School currently occupies the Keene building, and the Associates for Renewal in Education currently occupies the Langston/Slater building and has been a tenant for over 30 years.

(c) Equity dictates that the Community Academy Public Charter School and the Associates for Renewal in Education be given the right of first offer to lease the buildings they currently occupy, under terms determined by the OPM, pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.01 *et seq.*).

(d) The District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008, passed on 2nd reading on May 6, 2008 (Enrolled version of Bill 17-217) ("permanent legislation"), must complete a 30-day Congressional review.

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(e) It is important that the provisions of the permanent legislation become effective expeditiously.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia School Reform Property Disposition Clarification Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To declare the existence of an emergency with respect to the need to require Mayor to establish a program to install and maintain automated external defibrillators in Department of Parks and Recreation facilities, and mandate training in conjunction with existing health training for personnel to operate the defibrillators to ensure the health, safety and welfare of our citizens, and to provide a model for future automated external defibrillators expansion throughout all public buildings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "AED Installation for Safe Recreation and Exercise Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to install and maintain automated external defibrillators ("AEDs") in Department of Parks and Recreation facilities to protect the health, safety, and welfare of residents.

(b) AEDs are computerized devices that are now about the size of a laptop computer. They can be used by healthcare providers (such as Emergency Medical Response providers) and by lay rescuers. They are attached to victims who are thought to be in cardiac arrest, and they provide voice and visual prompts to lead rescuers through the steps of operation. AEDs analyze the victim's heart rhythm, determine if a defibrillation shock is needed, then prompt the rescuer to "clear" the victim and deliver a shock.

(c) For ideal effectiveness during a cardiac response, 3 minutes from time of collapse to victim's side is the outer limit of acceptable logistics.

(d) According to the American Red Cross, in cities such as Seattle, Washington, where Cardiopulmonary Resuscitation ("CPR") training is widespread and EMS response and time to defibrillation is short, the survival rate for witnessed VF cardiac arrest is about 30% while in cities such as New York City, where few victims receive bystander CPR and time to EMS response and defibrillation is longer, survival from sudden VF cardiac arrest averages 1-2%.

(e) Requiring the installation of AEDs in our recreation centers and schools will place this valuable tool in locations where our citizens are most vulnerable, particularly during the spring and summer seasons.

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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 AED Installation for Safe Recreation and Exercise Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 6, 2008

To declare the existence of an emergency with respect to the need to allocate \$3,711,595 in funds from the fiscal year 2008 operating cash reserve fund to make immediate improvements in emergency medical services, consistent with the recommendations of the Task Force on Emergency Medical Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Emergency Medical Services Improvements Fiscal Year 2008 Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Inspector General's investigation into the circumstances surrounding the death of David E. Rosenbaum revealed the need to immediately evaluate and improve emergency medical services ("EMS") in the District of Columbia.

(b) On March 8, 2007, Mayor Adrian M. Fenty announced the establishment of a Task Force on Emergency Medical Services ("Task Force") that would examine the system-wide delivery of EMS and give guidance on how to improve this critical service with the submission of recommendations and an implementation plan to the Mayor and Council. The focus of the Task Force would be on how to improve the management, training, operations, and culture of the EMS function to provide the highest quality of professional and compassionate pre-hospital medical care.

(c) After 6 months of work, which included expert research and analysis of best practices in EMS, public meetings with testimony from residents and Fire and EMS Department employees, and extensive discussion and negotiations, the Task Force submitted its recommendations to Mayor Fenty and the District of Columbia on September 20, 2007. The Task Force issued 6 major recommendations with 48 action steps required for implementation between September 2007 and December 2008.

(d) While implementation is already underway, successful implementation of all of the recommendations and action steps will require a significant and immediate financial investment into all areas of the District's delivery of EMS, including in the areas of training, supervision, demand management, quality assurance, and equipment. The Emergency Medical Services Improvements Fiscal Year 2008 Emergency Act of 2008 allocates \$3,711,595 in fiscal year 2008

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funding for this purpose.

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 Emergency Medical Services Improvements Fiscal Year 2008 Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 13, 2008

To declare the existence of an emergency with respect to the need to approve fiscal year 2008 appropriation authority to enable the use of existing Other-Type and local funds, and to place 2008 local funds in nonlapsing accounts for use in fiscal years 2009 and 2010; and to amend the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008, the Supplemental Appropriations Clarification Release of Funds Emergency Amendment Act of 2008, and the Supplemental Appropriations Clarification Release of Funds Temporary Amendment Act of 2008 to repeal applicability clauses requiring specific reprogrammings before fiscal year 2008 supplemental funds are released.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Emergency Declaration Resolution of 2008".

Sec. 2. (a) Section 821 of the Financial Services and General Government Appropriations Act, 2008, approved December 26, 2007 (Pub. L. No. 110-161; 121 Stat. 1844), authorizes the District to increase Other-Type appropriations based upon increased revenue that is certified as available by the Chief Financial Officer and obligated and expended in accordance with a law enacted by the Council.

(b) The Chief Financial Officer has provided the necessary certification of the increased availability of Other-Type revenues to support an increase of \$2.8 million to the District's fiscal year 2008 Other-Type fund appropriations. The Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Emergency Act of 2008 allocates these funds.

(c) The Chief Financial Officer has certified the unappropriated balance of \$3,891,150 in accounts holding nonlapsing local funds. The Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Emergency Act of 2008 allocates these funds.

(d) The Chief Financial Officer has certified the unappropriated balance of \$4.7 million in dedicated taxes from the Healthy DC Fund, established in section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02). The Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Emergency Act of 2008 allocates these funds.

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Appropriations Adjustment Emergency Act of 2008 allocates these funds.

(e) An amount of \$3.1 million in local funds is needed for the Office of Public Education Facilities Modernization to fully support maintenance operating costs in fiscal year 2008.

(f) An amount of \$46.5 million of fiscal year 2008 nonrecurring local funds from the Chief Financial Officer's revised revenue estimate and the fiscal year 2008 operating cash reserve needs to be placed in segregated, nonlapsing funds by the Chief Financial Officer for expenditure in fiscal years 2009 and 2010.

(g) The requirement that the Mayor submit \$33.5 million in reprogrammings from District of Columbia Public Schools to the Office of Public Education Facilities Modernization needs to be repealed to allow agencies access to education-related funds to cover spending pressures in fiscal year 2008.

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 2008 Other-Type and Local Appropriations Adjustment Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.