

ENROLLED ORIGINAL

A RESOLUTION

16-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To reappoint Mr. Peter M. Willner as a member of 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 Peter M. Willner Reappointment Resolution of 2005".

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

Mr. Peter M. Willner
4465 MacArthur Boulevard, N.W.
Washington, D.C. 20007
(Ward 3)

as a member of the Commission on Selection and Tenure of Administrative Law Judges, 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 on April 30, 2008.

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

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A RESOLUTION

16-110

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To confirm the Mayoral appointment of Vincent N. Schiraldi as the Director of the Department of Youth Rehabilitation Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Youth Rehabilitation Services Vincent N. Schiraldi Confirmation Resolution of 2005".

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

Vincent N. Schiraldi
12 Parkside Road
Silver Spring, Maryland 20910

as the Director of the Department of Youth Rehabilitation Services, established by the Department of Youth Rehabilitation Services Establishment Emergency Act of 2004, effective December 29, 2004 (D.C. Act 15-657; 52 DCR 481), and the Department of Youth Rehabilitation Services Establishment Congressional Review Emergency Act of 2005, effective March 17, 2005 (D.C. Act 16-58; 52 DCR ___), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-111

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To approve the compensation agreement between the Service Employees International Union, District 1199E-DC and the Department of Mental Health submitted by the Mayor for the Department of Mental Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement for Employees Represented by the Service Employees International Union, District 1199-E-DC Approval Resolution of 2005".

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D. C. Official Code § 1- 617.17(j)), the Council approves the compensation agreement negotiated through collective bargaining between the Department of Mental Health and the Service Employees International Union 1199-E DC, the on call allowances, and the related pay schedules, which were transmitted to the Council by the Mayor on March 16, 2005, and which provide as follows:

DEPARTMENT OF MENTAL HEALTH

Social Workers

Service Code - A22

CBU CODE - SEN

Job Series -0185

FY '04										
GRADE	DS									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
9	39,666	40,987	42,310	43,631	44,952	46,275	47,596	48,917	50,239	51,561
11	47,994	49,593	51,194	52,793	54,393	55,992	57,591	59,191	60,791	62,391
12	57,521	59,439	61,355	63,271	65,189	67,105	69,023	70,939	72,856	74,773
FY '05										
GRADE	DS									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
9	43,964	45,177	46,390	47,603	48,816	50,029	51,242	52,455	53,668	54,881
11	50,076	51,542	53,008	54,474	55,940	57,406	58,872	60,338	61,804	63,270
12	57,521	59,439	61,355	63,271	65,189	67,105	69,023	70,939	72,856	74,773
FY '06										
GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
09	45,721	46,983	48,245	49,507	50,769	52,031	53,293	54,555	55,817	57,079
11	52,078	53,603	55,128	56,653	58,178	59,703	61,228	62,753	64,278	65,803
12	58,773	60,596	62,419	64,242	66,065	67,888	69,711	71,534	73,357	75,180

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Sec. 3. Fiscal impact statement.

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

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Department of Mental Health, and the Service Employees International Union 1199 E-DC.

Sec. 5. The resolution shall take effect immediately.

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A RESOLUTION

16-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978, to make April 16th, the District of Columbia Emancipation Day, a recognized legal public holiday.

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

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

(1) When President Lincoln signed an Act for the Release of certain Persons Held to Service or Labor in the District of Columbia on April 16, 1862, freeing all slaves in the District, the law provided for immediate emancipation, compensation of up to \$300 for each slave to loyal Unionist masters, voluntary colonization of former slaves to colonies outside the United States, and payments of up to \$100 to each former slave choosing emigration. The federal government paid almost \$1 million for the freedom of approximately 3,100 former slaves.

(2) It is important to the descendants of those free blacks and slaves and to all other citizens in the District that this important moment in our country's and the District's history be formally recognized by the District.

(3) June 19, 1865 ("Juneteenth"), the day that the last slaves in the state of Texas were notified that President Lincoln had signed the Emancipation Proclamation on January 1, 1863, is celebrated annually in more than 205 cities and is a legal state holiday in Texas, Oklahoma, Florida, Delaware, and Iowa.

(4) In 1997, the United States Senate adopted a joint resolution recognizing Juneteenth as the true independence day for African-American citizens.

(5) The legal public holiday of the District of Columbia Emancipation Day ("Emancipation Day") would commemorate and celebrate April 16, 1862 as the day President Lincoln signed the District of Columbia Emancipation Act ending slavery in the District, 9 months before the signing of the Emancipation Proclamation on January 1, 1863. Emancipation Day will symbolize for Americans the triumph of the human spirit over the cruelty of slavery.

(6) Act 15-682, the "District of Columbia Emancipation Day Amendment Act of 2004", is currently pending Congressional review, with a projected effective date of April 10, 2005. The emergency legislation is necessary to ensure that this legislation is in place prior to the impending holiday. The District of Columbia will celebrate "Emancipation Day" as a legal public holiday, for the 1st time, on Saturday, April 16, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances

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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 District of Columbia Emancipation Day 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

16-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the Anacostia Waterfront Corporation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Anacostia Waterfront Corporation Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) There is a need to close a gap that has occurred with regard to the establishment of the Anacostia Waterfront Corporation.

(b) The Anacostia Waterfront Corporation Act of 2004 (D.C. Act 15-527; 51 DCR 9142), was signed by the Mayor on August 5, 2004 and transmitted to Congress on September 3, 2004.

(c) The time for the 30-day Congressional review of the Anacostia Waterfront Corporation Act of 2004 did not expire until February 28, 2005. Meanwhile, the emergency act passed by the Council expired on January 30, 2005. The purpose of this emergency legislation is to ensure that there is not a gap in the law between January 30, 2005 and February 28, 2005. Consequently, there is a retroactive effective date in this emergency legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Anacostia Waterfront Corporation 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

16-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To approve the recommendation of the Department of Insurance, Securities, and Banking to approve the application of Bank of Georgetown to organize a District of Columbia bank, to be known as Bank of Georgetown.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bank of Georgetown Approval Resolution of 2005".

Sec. 2. (a) On November 16, 2004, organizers of the Bank of Georgetown ("Applicant"), filed an application to organize a District of Columbia ("District") bank, to be known as Bank of Georgetown ("Application"), with the Department of Insurance, Securities, and Banking ("DISB") pursuant to section 5 of the District of Columbia Regional Interstate Banking Act of 1985, effective November 23, 1985 (D.C. Law 6-63; D.C. Official Code § 26-704(a)) ("Act").

(b) The Applicant has submitted the appropriate application fees and provided information that serves as a basis for the DISB Commissioner's review.

(c) According to the Application, the Applicant proposes to invest in the local community by:

- (1) Providing a full-service commercial bank;
- (2) Delivering quality products, supported by state-of-the-art technology, and a "superior level of personalized customer service";
- (3) Determining the credit needs of the community, including low to moderate-income individuals, and developing appropriate products to meet those needs;
- (4) Making investments, deposits, or grants with the primary purpose of community development and meeting the requirements of the Community Reinvestment Act of 1977, approved October 12, 1977 (91 Stat. 1147; 12 U.S.C. § 2901 *et seq.*) ("Community Reinvestment Act"); and
- (5) Allocating the proposed bank's charitable contributions to activities to further the proposed bank's Community Reinvestment Act goals.

(d) According to the Application, the Applicant proposes to engage in the following activities:

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- (1) Commercial banking services;
- (2) Retail banking services;
- (3) Installment loan services; and
- (4) Depository services.

(e) DISB has concluded that the Applicant's Organizing Group is qualified under the Act and applicable regulations. DISB has found that the proposed directors/organizers and executive officers have significant business and banking experience that indicates that the bank will have quality management. In addition, DISB has found that the Organizers have sufficient financial means to assist in the capitalization of the bank.

(f) On December 24, 2004, DISB published a bulletin announcing the receipt of the Application in the District of Columbia Register, at 51 DCR 11694.

(g) On January 7, 2005, a Notice of Public Hearing on the Application was published in the District of Columbia Register, at 52 DCR 49, which set a hearing date on the Application for January 28, 2005.

(h) At the hearing, representatives of the Applicant appeared and provided testimony in support of the Application. There were no public witnesses at the hearing, and to date, DISB has received no comments opposing the application.

(i) After a review of the Application and all supplementary materials, DISB concluded that the Application meets the requirements set forth in the Act and applicable regulations for approval to organize a District bank. DISB recommends Council approval of the Application, subject to the condition that the Applicant not commence the business of banking or the operation of a bank until the Applicant has applied for, and been granted, deposit insurance with the Federal Deposit Insurance Corporation ("FDIC"), been granted a permanent bank charter from DISB, and has met any conditions imposed by the FDIC or DISB.

(j) DISB notified the Applicant of the decision to recommend Council approval and the conditions for such approval in a letter dated February 16, 2005.

Sec. 3. The Council of the District of Columbia approves the recommendation of DISB and hereby authorizes the DISB Commissioner to grant approval to the Applicant to establish the entity to be known as Bank of Georgetown, which shall be organized as a District bank subject to the conditions set out in section 2(i).

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Commissioner of DISB and to the Bank of Georgetown.

Sec. 5. Fiscal impact statement.

The Council adopts the revised fiscal impact statement of the Chief Financial Officer 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)).

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Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

16-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate amount not to exceed \$35 million in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Sidwell Friends School 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 "Sidwell Friends School Revenue Bonds Project 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 the Sidwell Friends School, a nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 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,

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receipts, and other similar instruments.

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

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

(9) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, certain legal, accounting, rating agency, and certain other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, 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.

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

(11) "Project" means:

(A) The financing, refinancing, or reimbursement of a portion of certain costs incurred in connection with the construction, equipping and furnishing of certain facilities on the Borrower's campus located at 3825 Wisconsin Ave., N.W., Washington, D.C. (Square 1825, Lot 816), comprising approximately 31,000 square feet above grade and 33,000 square feet below grade, in the aggregate, and the renovation of buildings comprising 78,000 square feet in the aggregate above grade, together with below grade parking facilities and fields, internal roads, and related infrastructure;

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

(C) The paying of certain costs of issuance, fees and premiums for any bond insurance or credit enhancement, and other related costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, 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

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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 \$35 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking which contributes to the health, safety, or welfare, of, or the creation or preservation of jobs for, residents of the District, or to the economic development 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 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 \$35 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

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

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

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

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(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.

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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.

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

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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 have any claims against the District or any of its elected or appointed officials, officers, employees, or

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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

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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.

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 § 1-206.03(c)(3)).

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

16-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to order the closing of Blaine Street, N.E., between 58th Street N.E., and East Capitol Street, 58th Place N.E., 59th Street N.E., 59th Place N.E., and 60th Place N.E., between Blaine Street, N.E., and East Capitol Street; 57th Street, S.E., between A Street, S.E., and East Capitol Street, 57th Place, S.E., between A Street, S.E., and 57th Street, S.E., and certain existing alleys, and to create new streets and alleys to be dedicated to the District in Squares 5246, 5272, 5273, 5276, 5277, 5279, 5280, and 5281, bounded by 61st Street, N.E., and Southern Avenue, S.E., to the east/southeast, Central Avenue S.E., to the south, 56th Place, S.E., and 57th Place, N.E., to the west, and Clay Street, N.E., and the Watts Branch stream valley to the north, in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing, Dedication, and Designation of Public Streets and Alleys in Squares 5246, 5272, 5273, 5276, 5277, 5279, 5280, and 5281, S.O. 02-4088, Emergency Declaration Resolution of 2005".

Sec. 2. (a) This street and alley closing legislation will help facilitate development of 515 housing units, and a multi-purpose community center.

(b) This project will be undertaken as a Hope VI redevelopment project by the District of Columbia Housing Authority and developers A&R/THC, LLC, and the East Capitol Street Gateway, LLC. The Hope VI project will bring quality housing for low-income residents, increase neighborhood stability by creating mixed-income homeownership opportunities, promote area residents' economic capacity and self-sufficiency, and revitalize the East Capitol corridor in Ward 7.

(c) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously and ensure that the project progresses on schedule in accordance with the United States Department of Housing and Urban Development Hope VI grant requirements. Proceeding with the development and obtaining permits for construction on site is dependent upon the Council's approval of the street and alley closing.

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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 Closing, Dedication, and Designation of Public Streets and Alleys in Squares 5246, 5272, 5273, 5276, 5277, 5279, 5280, and 5281, S.O. 02-4088, Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to establish a fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Victims of Domestic Violence Fund Establishment Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to establish a fund and grant program so additional resources can be directed towards helping the victims of domestic violence.

(b) The Metropolitan Police Department reports that half of its 911 calls are related to domestic violence and that 60% to 80% of all its calls are related to domestic violence. In 2004 alone, approximately 6000 women walked into the Domestic Violence Intake Center at the DC Superior Court, seeking emergency shelter, protective orders, food and other necessities.

(c) The District currently has only 48 domestic violence emergency shelter beds for victims and their children.

(d) The District's first homicide of 2005 was a domestic violence related offense. Every day domestic violence victims are being battered and abused with too few options to escape the violence.

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 Victims of Domestic Violence Fund Establishment Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to amend the Equal Opportunity for Local, Small and Disadvantaged Business Enterprises Act of 1998 to change the definition of a local business, and to require business enterprises that are applying for local business enterprise certification to provide additional documentation and verification to the District of Columbia Local Business Opportunity Commission or the Office of Local Business Development substantiating their true business location.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local, Small, and Disadvantage Business Enterprises Certification Emergency Declaration Resolution of 2005".

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

(1) Current District law does not prevent business enterprises that are not bona fide local business from receiving local business enterprise certification from the Office of Local Business Development.

(2) Current District law shall be enhanced to prevent businesses that are not bona fide local business enterprises from capitalizing on the current law, and receiving contracting and sub-contracting opportunities, that should be reserved for bona fide local business enterprises.

(3) Having a principal office physically located in the District of Columbia, being licensed pursuant to Chapter 28 of Title 47, or being subject to the tax levied under subchapter X of Chapter 18 of Title 47 does not truly establish local business enterprise status for businesses.

(4) The additional criteria established by the emergency act would assist the Office of Local Business Development with its mandate to certify businesses that are bona fide local, small, and disadvantaged business enterprises.

(5) The additional criteria would help to prevent companies that are not bona fide local business enterprises from applying and receiving certification pursuant to current District law.

(6) Business enterprises certified on or before the effective date of the emergency legislation shall not be subject to the additional criteria established.

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 Local, Small, and Disadvantaged Business Enterprises Certification 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

16-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to approve Grant Agreement No. 2005-8 for \$5,396,287.00 between the Department of Housing and Community Development and the Greater Washington Urban League to administer the Home Purchase Assistance Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Grant Agreement No. 2005-8, Between the Department of Housing and Community Development and the Greater Washington Urban League Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Grant Agreement No. 2005-8 ("Grant Agreement") for \$5,396,287.00 between the Department of Housing and Community Development ("DHCD") and the Greater Washington Urban League ("GWUL") to administer the Home Purchase Assistance Program ("HPAP").

(b) In early June 2004, DHCD issued a request for applications (RFA) for the HPAP-grantee administering agencies. The application deadline was July 8, 2004. In accordance with DHCD's RFA, an Independent Review Panel, which reviews the applications and makes recommendations to DHCD's Director, did not conclude its review of applications submitted until mid-September 2004. During the same time, DHCD extended its existing fiscal year 2004 grant agreement with GWUL for administering HPAP through December 31, 2004.

(c) As a result of the application review process, DHCD offered preliminary commitments for grant funding to 2 applicants, both of which could potentially administer the HPAP application, underwriting, and loan settlement process. Preliminary commitments of funding were sent to GWUL and the other applicant on October 28, 2004 and negotiations with both parties began in early November 2004. Negotiations between DCHD and the other applicant did not result in moving forward toward a grant agreement for HPAP. This affected DCHD's desired level of funding with GWUL's, which was determined just prior to the December 2004 holidays.

(d) DHCD submitted a proposed budget mark to GWUL in late December 2004. However, GWUL needed to propose a work-plan for that level of funding, as well an appropriate

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Statement of Work, which began in January 2005. DHCD and GWUL completed all negotiations on the new grant agreement, including receipt of all certifications needed for legal sufficiency on March 13, 2005, and the proposed grant agreement was approved by the Office of the Attorney General for legal sufficiency on March 15, 2005.

(e) There exists an immediate need to approve the Grant Agreement in the amount of \$5,396,287.00 in order for GWUL to continue administering HPAP and to provide uninterrupted HPAP assistance for low- and moderate- income households for downpayment and closing costs on scheduled home purchases. DHCD allowed GWUL to continue to receive and process HPAP applications for loans closing after January 1, 2005 using funds received as reimbursements to loans closed in the period from October through December 2004 because of the ongoing good faith negotiations. However, no funds have been disbursed for any activity occurring after January 1, 2005. If the Grant Agreement is not signed by April 5, 2005, GWUL will run out of HPAP funding.

(f) Because of the chronology of events stated above, the Grant Agreement package was not completed in time to be submitted to the Council prior to the above-mentioned activity. Based on the nature of the activities that have occurred, even though no funds have been disbursed, the Council considers the only mechanism to obtain approval of this grant is through retroactive approval. DHCD is requesting approval of emergency legislation by the Council for the proposed Grant Agreement which is vital to the continuation of this critical resource that enables many 1st-time homebuyers in the District the only possible opportunity for gap financing that is essential to their home purchase.

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 Grant Agreement No. 2005-8 Between the Department of Housing and Community Development and the Greater Washington Urban League Approval Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

16-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance of District of Columbia revenue bonds in an aggregate amount not to exceed \$15 million and to authorize and provide for a loan of the proceeds to assist Edmund Burke School, Inc., in the financing, refinancing, reimbursing of cost associated with an authorized project under section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Edmund Burke School, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2005".

Sec. 2. The Council finds that:

(1) The Edmund Burke School, Inc. ("Borrower") has requested that the District issue revenue bonds ("Bonds").

(2) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of:

(A) The financing and refinancing of all or a portion of the costs of:

(i) The acquisition and development of a classroom building of approximately 30,000 square feet with at-grade and below-grade parking, and associated property including land, improvements, and personal property, located at 4101 Connecticut Avenue, N.W. (Lot 0068, Square 2243);

(ii) Renovations and modifications to existing structures located at 2955 Upton Street, N.W. (Lot 0067, Square 2243), with a covered walkway to 4101 Connecticut Avenue, N.W.; and

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

(B) The refinancing, in whole or in part, of existing indebtedness;

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

(D) Paying the cost of any credit enhancement.

(3) Because the Borrower has requested that the District issue its revenue bonds as soon as possible because changing conditions in the bond market may quickly erode the savings available to the Borrower and in order to avoid an untimely delay in considering the adoption of the approval resolution, it is important that the Council expedite the process for the issuance of the Bonds by the District.

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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 Edmund Burke School, 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

16-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate amount not to exceed \$15 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Edmund Burke 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 "Edmund Burke School, 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 the Edmund Burke School, Inc., a District of Columbia nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(c)(3)).

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

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

(7) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale,

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and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

(11) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, 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.

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

(13) "Project" means:

(A) The financing and refinancing of all or a portion of the costs of:

(i) The acquisition and development of a classroom building of approximately 30,000 square feet with at-grade and below-grade parking, and associated property including land, improvements, and personal property, located at 4101 Connecticut Avenue, N.W. (Lot 0068, Square 2243);

(ii) Renovations and modifications to existing structures located at 2955 Upton Street, N.W. (Lot 0067, Square 2243), with a covered walkway to 4101 Connecticut Avenue, N.W.; and

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

(B) The refinancing, in whole or in part, of existing indebtedness;

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

(D) Paying the cost of any 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 an aggregate principal amount not to exceed \$15 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

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District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary and secondary school facilities within the meaning of Section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$15 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

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

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

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

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

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

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

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(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

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the District), all as provided for in the Financing Documents.

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

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

Sec. 8. Financing and Closing Documents.

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

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

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transaction or event to be effected by the Financing Documents.

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

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

ENROLLED ORIGINAL

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.

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 authorized by this resolution, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, 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

16-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 5, 2005

To declare the existence of an emergency with respect to the need to detail the purpose for the expenditure of up to \$5.4 million from funds identified in the 2004 Comprehensive Annual Financial Report as available general fund surplus.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "2004 Comprehensive Annual Financial Report General Fund Surplus Allocation Emergency Declaration Resolution of 2005".

Sec. 2. (a) Compliance with Congressional requirements regarding the use of the District's available general fund surplus requires that the Council enact a law detailing the purpose of the expenditure from the District's available general fund surplus.

(b) An amount of up to \$5.4 million from the District's available general fund surplus must be made available immediately to Workforce Investments to cover costs associated with the proposed labor settlement agreement between the District of Columbia and the police officers union.

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 2004 Comprehensive Annual Financial Report General Fund Surplus Allocation Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.