

ENROLLED ORIGINAL

## A RESOLUTION

17-658

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To approve, on an emergency basis, the negotiated compensation agreement submitted by the Mayor for Department of Mental Health employees in the Doctors' Council of the District of Columbia, NUHHCE, AFSCME, AFL-CIO.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Collective Bargaining Agreement between the Department of Mental Health and the Doctors' Council of the District of Columbia, NUHHCE, AFSCME, AFL-CIO Emergency Approval Resolution of 2008".

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 Doctor's Council of the District of Columbia, NUHHCE, AFSCME, AFL-CIO, which was submitted to the Council by the Mayor on May 2, 2008, and the related pay schedules, which provide as follows:



Enrolled Original

# District of Columbia Government Salary Schedule: DOCTORS COUNCIL UNION TABLE

DEPARTMENT OF MENTAL HEALTH

## DISTRICT OF COLUMBIA REGISTER

Effective Date: Fiscal Year: 2008  
Union: Union  
% Increase: 3.5%

Service Code Definition: A10  
SEI  
CBU/Service Code: SEI

Occupational Series: 00602  
Peoplesoft Plan: DS00032

JUNE 27 2008

Resolution # Grade	Date of Resolution:								Classification/specialty practice area
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
HIRE STEP									
Waiting Period									
1	\$94,632	\$96,997	\$99,422	\$101,907	\$104,456	\$107,067	\$109,744	\$112,487	Podiatrist
1b	\$97,926	\$100,291	\$102,716	\$105,201	\$107,750	\$110,361	\$113,038	\$115,781	
2	\$105,146	\$107,774	\$110,469	\$113,230	\$116,061	\$118,963	\$121,937	\$124,986	Dentist**
2b	\$108,440	\$111,068	\$113,763	\$116,524	\$119,355	\$122,257	\$125,232	\$128,280	
3	\$124,452	\$127,563	\$130,752	\$134,021	\$137,371	\$140,806	\$144,325	\$147,934	General Practice, Internal, Pediatrics, Family
3b	\$131,589	\$134,700	\$137,890	\$141,159	\$144,509	\$147,943	\$151,462	\$155,072	Med, Oral Surg, Periodontics, Orthodontics,
3c	\$135,981	\$139,092	\$142,282	\$145,551	\$148,901	\$152,335	\$155,855	\$159,464	other Dental
4	\$130,197	\$133,453	\$136,788	\$140,209	\$143,714	\$147,306	\$150,989	\$154,764	Med and Pediatric Spec., Physical Med and
4b	\$137,334	\$140,590	\$143,926	\$147,346	\$150,851	\$154,444	\$158,126	\$161,901	rehab, Allergy, Dermatology, Nuclear Med.,
4c	\$141,726	\$144,982	\$148,318	\$151,738	\$155,243	\$158,836	\$162,519	\$166,294	OBGYN, Ophthalmology.
5	\$135,083	\$138,461	\$141,922	\$145,469	\$149,107	\$152,834	\$156,655	\$160,572	Gen Surgery, Trauma Surg, Surg, Specialties,
5b	\$142,220	\$145,598	\$149,059	\$152,607	\$156,244	\$159,971	\$163,792	\$167,709	OBGYN - hosp. setting, Anesthesiology,
5c	\$146,612	\$149,990	\$153,451	\$156,999	\$160,637	\$164,363	\$168,184	\$172,101	Radiology, Pathology***, Psychiatry Gen****,
6	\$146,093	\$149,745	\$153,488	\$157,326	\$161,258	\$165,290	\$169,422	\$173,658	Neurology****, Ophthalmology - hosp. setting
6b	\$153,230	\$156,882	\$160,626	\$164,463	\$168,395	\$172,427	\$176,559	\$180,795	Child Psychiatry, Forensic Pathology
6c	\$157,622	\$161,274	\$165,018	\$168,855	\$172,787	\$176,819	\$180,951	\$185,187	

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The "Grade Levels" on this pay Schedule are 1, 2, 3, 4, 5, and 6 (i.e., 1 & 1b are "Grade Level" 1).

Grades 1,2,3,4,5 and 6 = (fully trained/board eligible)

Grades 1b,2b,3b,4b,5b and 6b = (board certified in primary)

Grades 3c,4c,5c and 6c = (board certified in primary specialty and in a subspecialty or a second primary specialty)

\*Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training experience"

\*\*Internships and residencies for fully trained dentists count as post-training experience

\*\*\*Except when based on completion of two residency programs, certification in Clinical and Anatomical Pathology will constitute a certification in a primary specialty

\*\*\*\*Except when based on completion of two residency programs, certification by the American Board of Neurology and Psychiatry will constitute a certification in a primary specialty



District of Columbia Government Salary Schedule: DOCTORS COUNCIL UNION TABLE

DEPARTMENT OF MENTAL HEALTH

Effective Date: Fiscal Year: 2009
Union/Nonunion: Union
% Increase: 4.0%

Service Code Definition: A10
CBU/Service Code: SEI
Occupational Series: 00602
Peoplesoft Plan: DS0032

Table with columns: Resolution #, Grade, Step, Date of Resolution (Steps 1-6), Step, Date of Resolution (Steps 7-8), Step, Classification/specialty practice area. Rows include HIRE STEP, Waiting Period, and various grade steps (1-6C).

The "Grade Levels" on this pay Schedule are 1, 2, 3, 4, 5, and 6 (i.e., 1 & 1b are "Grade Level" 1).

Grades 1,2,3,4,5 and 6 = (fully trained/board eligible)
Grades 1b,2b,3b,4b,5b and 6b = (board certified in primary)
Grades 3c,4c,5c and 6c = (board certified in primary specialty and in a subspecialty or a second primary specialty)
\*Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training experience"
\*\*Internships and residencies for fully trained dentists count as post-training experience
\*\*\*Except when based on completion of two residency programs, certification in Clinical and Anatomical Pathology will constitute a certification in a primary specialty
\*\*\*\*Except when based on completion of two residency programs, certification by the American Board of Neurology and Psychiatry will constitute a certification in a primary specialty

## ENROLLED ORIGINAL

## Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Doctors' Council of the District of Columbia, NUHHCE, AFSCME, AFL-CIO and to the Mayor.

## Sec. 4. Fiscal impact statement.

The Council adopts the 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)).

## Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-659

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To declare the existence of an emergency with respect to the need to approve the compensation agreement negotiated between the Department of Mental Health and the District of Columbia Nurses Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the Department of Mental Health and the District of Columbia Nurses Association Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Department of Mental Health negotiated a compensation agreement with the District of Columbia Nurses Association that requires certain wage increases and other compensation and benefits over a period of 3 years. The first such compensation increase is made effective October 1, 2007, which constitutes a change to the pay schedule and a resulting minimum increase of 3.5% in each bargaining unit member's salary. To comply with the goal of section 1717(f)(1) of the District of Columbia Government Compensation Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(f)(1)), that negotiations be completed prior to submission of a budget for the years covered by the agreement, this agreement must be acted on by the Council immediately.

(b) To effectuate the terms of the compensation agreement in fiscal year 2008, the compensation agreement needs to be approved on an emergency basis.

(c) Failure to expeditiously effectuate the terms of the compensation agreement may result in undermining the confidence of union members in the District of Columbia government and in its leadership.

(d) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in the District of Columbia and the success of collaborative efforts, as agreed to under the terms of the compensation agreement.

(e) The employees covered by the compensation agreement provide a variety of services to the residents and visitors of the District of Columbia.

(f) Unless legislative action is immediately taken on the compensation agreement, a negative impact upon the financial and personal morale of the employees of the collective

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bargaining unit may ensue, which could compromise the delivery of services, affecting the residents of, and visitors to, the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Agreement between the Department of Mental Health and the District of Columbia Nurses Association Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-660

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

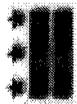
June 3, 2008

To approve, on an emergency basis, the negotiated compensation agreement submitted by the Mayor for Department of Mental Health employees in the District of Columbia Nurses Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the Department of Mental Health and the District of Columbia Nurses Association Emergency Approval Resolution of 2008".

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 District of Columbia Nurses Association, which was submitted to the Council by the Mayor on May 2, 2008, and the related pay schedules, which provide as follows:





# District of Columbia Government Salary Schedule: DCNA UNION TABLE

DEPARTMENT OF MENTAL HEALTH

Enrolled Original

**Fiscal Year:** 2009  
**Effective Date:** 1/1/09  
**Union/Nonunion:** DCNA Union  
**Service Code Definition:** Registered Nurse  
**Service Code:** A38  
**Occupational Series:** 610  
**CBU Code:** SEK  
**Pay Plan/Schedule:** DS/CS  
**Peoplesoft Schedule:** DS0075  
**% Increase:** 3.5%

**Resolution Number:**

**Date of Resolution:**

Classification	Grade	1	2	3	4	5	6	7	8	9	10	
NURSE GRADUATE	5	\$50,944	\$52,026	\$53,111	\$54,196	\$55,363	\$56,530	\$58,530	\$60,698	\$62,867	\$65,034	\$67,202
CLINICAL NURSE I (Registered Nurse)	7	\$59,934	\$61,208	\$62,483	\$63,758	\$66,309	\$68,860	\$71,410	\$73,960	\$76,510	\$79,061	\$81,611
CLINICAL NURSE II (Occupational Health Nurse, Community Health Nurse, Lead Registered Nurse)	9	\$64,728	\$66,105	\$67,482	\$68,860	\$71,614	\$74,369	\$77,122	\$79,877	\$82,631	\$85,385	\$88,139
CLINICAL NURSE III (Nurse Team Leader)	10*	\$67,316	\$68,750	\$70,181	\$71,614	\$74,479	\$77,343	\$80,207	\$83,073	\$85,936	\$88,801	\$91,665
NURSE SPECIALIST I (Nurse Consultant I, Nurse Specialist I)												
NURSE SPECIALIST II (Nurse Consultant II, Team Leader)	11	\$70,347	\$71,843	\$73,339	\$74,837	\$77,830	\$80,822	\$83,816	\$86,811	\$89,804	\$92,797	\$95,790
Nurse Specialist II-Team Leader	12*	\$73,864	\$75,435	\$77,007	\$78,577	\$81,722	\$84,865	\$88,008	\$91,150	\$94,294	\$97,437	\$100,580

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**Sec. 3. Transmittal.**

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Nurses Association and to the Mayor.

**Sec. 4. Fiscal impact statement.**

The Council adopts the 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)).

**Sec. 5. This resolution shall take effect immediately.**

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## A RESOLUTION

17-661

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To declare the existence of an emergency with respect to the need to approve the negotiated compensation settlement between the Transportation Administrator for the Division of Transportation of the District of Columbia Public Schools and the American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO, transmitted by the Mayor for the Transportation Administrator.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement between the Transportation Administrator for the Division of Transportation of the District of Columbia Public Schools and the American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO Emergency Declaration Resolution of 2008".

Sec. 2. (a) The American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO ("AFCSME") and the Transportation Administrator entered into a collective bargaining agreement on November 26, 2007, for the term of October 1, 2007 through September 30, 2010.

(b) The membership of AFSCME consists of bus drivers and bus attendants who provide specialized transportation services for more than 4,000 special-needs children throughout the Washington Metropolitan Area.

(c) Unless legislative action is immediately taken upon the negotiated compensation agreement between the Transportation Administrator and the American Federation of State, County and Municipal Employees, District Council 20, Local 1959, AFL-CIO, for the period from October 1, 2007, through September 30, 2010, a negative impact upon the financial and personal morale of the members of the collective bargaining unit may ensue, which could compromise the delivery of non-instructional services, affecting the learning environment of District public-school students.

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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 Compensation Settlement between the Transportation Administrator for the Division of Transportation of the District of Columbia Public Schools and the American Federation of State, County and Municipal Employees, District Council 20, Local 1959, AFL-CIO, Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

17-662

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To approve, on an emergency basis, the negotiated compensation settlement between the Transportation Administrator for the Division of Transportation of the District of Columbia Public Schools and the American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO, submitted by the Mayor for the Transportation Administrator.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement between the Transportation Administrator for the Division of Transportation of the District of Columbia Public Schools and the American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO Emergency Approval Resolution of 2008".

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 § 1-167.17(j)), the Council approves the compensation settlement negotiated through collective bargaining between the Transportation Administrator for the Division of Transportation of the District of Columbia Public Schools and the American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO, which was submitted to the Council by the Mayor on May 2, 2008, and the related salary schedules for the period October 1, 2007 through September 30, 2010, which provide as follows.

FY 2008 AFSCME, Local 1959 Pay Scale  
4% Increase (including 1% PIC)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
RW-3	11.87	12.23	12.59	12.97	13.36	13.76	14.17	14.59	15.02	15.47
RW-7	15.64	16.10	16.54	17.10	17.60	18.13	18.67	19.23	19.81	20.41

FY 2009 AFSCME, Local 1959 Pay Scale  
 Base 3% Increase (not including PIC)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
RW-3	12.23	12.59	12.97	13.36	13.76	14.17	14.59	15.02	15.47	15.93
RW-7	16.10	16.54	17.10	17.60	18.13	18.67	19.23	19.81	20.41	21.02

FY 2009 AFSCME, Local 1959 Pay Scale  
 6.125% Increase (Base 3% increase plus 3% PIC maximum and .125% additional incentive)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
RW-3	12.60	12.98	13.36	13.76	14.18	14.60	15.04	15.48	15.94	16.42
RW-7	16.60	17.09	17.55	18.15	18.68	19.24	19.81	20.41	21.02	21.66

FY 2010 AFSCME, Local 1959 Pay Scale  
 3% Base Increase (not including PIC) assuming the increase is 3% for FY 2009

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
RW-3	12.60	12.97	13.36	13.76	14.17	14.60	15.03	15.47	15.93	16.41
RW-7	16.58	17.04	17.61	18.13	18.67	19.23	19.81	20.40	21.02	21.65

FY 2010 AFSCME, Local 1959 Pay Scale  
 7.125% Increase (Base 3% increase plus 4% PIC and .125 additional incentive) assuming 3% for FY 2009

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
RW-3	13.10	13.49	13.89	14.31	14.74	15.18	15.63	16.09	16.57	17.07
RW-7	17.25	17.72	18.32	18.85	19.42	20.00	20.60	21.22	21.86	22.52

FY 2010 AFSCME, Local 1959 Pay Scale  
 7.125% Increase (Base 3% increase plus 4% PIC and .125 additional incentive) assuming 6.125% for FY 2009

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
RW-3	13.49	13.90	14.31	14.75	15.19	15.64	16.11	16.59	17.08	17.59
RW-7	17.78	18.30	18.80	19.44	20.01	20.61	21.23	21.86	22.52	23.20

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## Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chancellor of the District of Columbia Public Schools, the American Federation of State, County, and Municipal Employees, District Council 20, Local 1959, AFL-CIO, the State Board of Education, and the Mayor.

## Sec. 4. Fiscal impact statement.

The Council adopts the 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)).

## Sec. 5. This resolution shall take effect immediately.

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## A RESOLUTION

17-663

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$200 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist NAS Title Holding, LLC, and the National Academy of Sciences 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 "NAS Title Holding, LLC Revenue Bonds Project Emergency Declaration Resolution of 2008".

Sec. 2. The Council finds that:

(1) NAS Title Holding, LLC ("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 the costs of the:

(A) Refunding the District of Columbia Fixed Rate Revenue Bonds (National Academy of Sciences Project) Series 1999A and the District of Columbia Variable Rate Revenue Bonds (National Academy of Sciences Project) Series 1999B and 1999C, which were issued to finance the acquisition, development, furnishing, and equipping of an office building comprising approximately 358,000 square feet above grade and associated below-grade facilities located at 500 5<sup>th</sup> Street, N.W., Washington, D.C. (Square 488, Lots 834 through 840) owned by NAS Title Holding, LLC, and primarily used by the National Academy of Sciences and certain other nonprofit organization tenants;

(B) The restoring, constructing, renovating, equipping, and furnishing of a building comprising approximately 110,000 square feet above grade and associated below-grade facilities located at 2101 Constitution Avenue, N.W., Washington, D.C. (Square 88, Lot 58 and 812), including existing indebtedness associated with the building, owned and occupied solely by the National Academy of Sciences;

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(C) Funding any reserve relating to the Bonds and other property functionally related and subordinate to the facilities;

(D) Any bond insurance or other credit enhancement; and

(E) Certain Issuance Costs and other eligible costs with respect to the Bonds.

(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 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.

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 NAS Title Holding, LLC Revenue Bonds Project Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

17-664

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$200 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist NAS Title Holding, LLC, and the National Academy of Sciences 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 "NAS Title Holding, LLC Revenue Bonds Project Emergency Approval Resolution of 2008".

## Sec. 2. Definitions.

For the purpose 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 NAS Title Holding, LLC, a limited liability corporation organized and existing under the laws of the State of Maryland whose single owner is National Academy of Sciences, a nonprofit corporation organized and existing under the laws of the United States, 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

## ENROLLED ORIGINAL

and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

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

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan, 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 the financing, refinancing, or reimbursing of all or a portion of the borrower's cost of:

(A) Refunding the District of Columbia Fixed Rate Revenue Bonds (National Academy of Sciences Project) Series 1999A and the District of Columbia Variable Rate Revenue Bonds (National Academy of Sciences Project) Series 1999B and 1999C, which were issued to finance the acquisition, development, furnishing, and equipping of an office building comprising approximately 358,000 square feet above grade and associated below-grade facilities located at 500 5<sup>th</sup> Street, N.W., Washington, D.C. (Square 488, Lots 834 through 840) owned by NAS Title Holding, LLC, and primarily used by the National Academy of Sciences and certain other nonprofit organization tenants;

(B) The restoring, constructing, renovating, equipping, and furnishing of a building comprising approximately 110,000 square feet above grade and associated below-grade facilities located at 2101 Constitution Avenue, N.W., Washington, D.C. (Square 88, Lot 58 and 812), including existing indebtedness associated with the building, owned and occupied solely by the National Academy of Sciences;

(C) Funding any reserve relating to the bonds and other property functionally related and subordinate to the facilities;

## ENROLLED ORIGINAL

(D) Any bond insurance or other credit enhancement; and  
(E) Certain Issuance Costs and other eligible costs with respect to the  
bonds.

## 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 \$200 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of a capital project used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services within the meaning of section 490 of the Home Rule Act.

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

## Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing 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 \$200 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 participation in the

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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 to be issued and denominations of the bonds;

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

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

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

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

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

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

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

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

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

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

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

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Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor 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 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.

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(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 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 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.

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(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 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.

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## 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 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. 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.

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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.

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## A RESOLUTION

17-665

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2008

To declare the existence of an emergency with respect to the need to revise the conditions of the authorization for the financing and development of a convention center headquarters hotel.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Convention Center Hotel Technical Amendments Emergency Declaration Resolution of 2008".

Sec. 2. (a) In 2006, the Council approved legislation to authorize the financing and development of a convention center headquarters hotel.

(b) Since that time, the District and the proposed developer of the hotel have engaged in extensive negotiations.

(c) The District and the proposed developer are near final agreement on the terms and conditions for the financing and development of the hotel.

(d) The proposed developer will be unable to secure equity and debt financing for the project without firm acknowledgement that the ground rent is subordinate to the mortgage payments. A provision establishing that the ground rent is subordinate to the mortgage payments was in the originally approved version of the legislation but was inadvertently deleted in a later amendment to the legislation.

(e) The developer will be unable to secure debt financing for the project without firm acknowledgement that the ground lease may be reissued to a mortgagee in the event of foreclosure. A provision authorizing the issuance of a new lease to the mortgagee in the event of foreclosure was in the originally approved version of the legislation but was inadvertently deleted in a later amendment to the legislation.

(f) The convention center hotel authorizing legislation currently authorizes the Mayor to enter into a ground lease and a vault space agreement for the pedestrian and vehicle tunnel/connection within the project. The Office of the Attorney General has determined that an airspace lease is the most appropriate agreement for this aspect of the project.

(g) Without legislation authorizing a subordinated lease and the issuance of a new lease upon foreclosure and authorizing the Mayor to enter into an airspace agreement, the District will

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be unable to proceed with the execution of the financing and development agreement for the convention center headquarters hotel, the project will be unnecessarily delayed, and important community and economic development benefits will be delayed.

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 New Convention Center Hotel Technical Amendments Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.