

## A RESOLUTION

16-169

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$7 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist D.C. Preparatory Academy 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 "D.C. Preparatory Academy 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 D.C. Preparatory Academy, a nonprofit corporation and exempt from federal income taxes.

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

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

(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, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(12) "Project" means:

(A) The financing and refinancing of all or a portion of the costs of the acquisition and renovation of a public charter school facility located at 701 Edgewood Street, N.E., Washington, D.C. (lot 807, square 3636);

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

(C) Paying certain costs of issuance such as fees and premiums for any bond insurance or credit enhancement.

### Sec. 3. Findings.

The Council finds that:

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

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(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 \$7 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 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 \$7 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, 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;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Sale of the bonds.

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

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the

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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 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.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. 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 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 in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date.

This resolution shall take effect immediately.

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16-170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate amount not to exceed \$40 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the American College of Cardiology Foundation 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 "American College of Cardiology Foundation 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 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 American College of Cardiology Foundation, a District of Columbia nonprofit corporation organized under the laws of the District of Columbia, 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

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

(7) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any 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, 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 lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(13) "Project" means:

(A) The financing or refinancing of a portion of the costs incurred in connection with:

(i) The acquisition, development, and furnishing of an approximately 95,000 square-foot portion of a mixed use building located at 2400 N Street, N.W., Washington, D.C. (designated as Square 24, Lot 113), and

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

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

(C) The paying of certain expenditures associated therewith including, without limitation, Issuance Costs and credit enhancement 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

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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 \$40 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of facilities used to house and equip operations related to the 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 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 \$40 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 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

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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'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 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 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

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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 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 agents

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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, 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 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 receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

**Sec. 14. Disclaimer.**

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with

financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. 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 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 in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date.

This resolution shall take effect immediately.

## A RESOLUTION

16-171

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to require all exploratory committees to file informational reports with the District of Columbia Office of Campaign Finance; to establish individual and aggregate contribution limits; and to treat exploratory contributions as campaign contributions; and to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act to define terms that may apply to the act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Exploratory Committee Disclosure Informational Report and Contribution Prohibition Emergency Declaration Resolution of 2005".

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

- (1) Before deciding to campaign for elected office, an individual may first want to "test the waters" or explore the feasibility of becoming a candidate;
- (2) Residents of the District have a right to be informed of all established exploratory committees;
- (3) Transparency in the operations of an exploratory committee is critical to government and the people it serves;
- (4) Current District law fails to provide for adequate public review of exploratory committees;
- (5) It is important to clarify the term "exploratory committee" and to distinguish between those activities that could be classified as exploratory activities and those that could be classified as campaign activities;
- (6) There has been an increase in the number of established exploratory committees in the District, and the level of funds raised by these committees has raised numerous questions;
- (7) It is important that review of contributions received and expended by these entities be made available to the public;
- (8) By requiring exploratory committees to file informational reports with the Office of Campaign Finance, the public is made aware of all contributions received and expended by exploratory committees;
- (9) Reporting provides a mechanism for the electorate to individually and collectively check the contributions and activities of these entities;
- (10) This requirement provides a mechanism by which the electorate can individually and collectively check the contributions and activities of these entities;
- (11) The establishment of individual contribution limits is consistent with current District law;

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(12) The establishment of aggregate contribution limits serves to restrict the activities of exploratory committees to purely exploratory activities;

(13) The Supreme Court ruled in Buckley v. Valeo, 424 U.S. 1 (1966) that limits on political contributions do not violate one's right to free speech and association, and that this right is outweighed by the public interest in restricting contributions;

(14) It is important to provide reporting and accountability guidelines for exploratory committees; and

(15) Contributions to exploratory committees should be treated as campaign contributions once candidacy is declared in order to prevent double dipping.

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 Exploratory Committee Disclosure Informational Report and Contribution Prohibition Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-172

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to declare the sense of the Council on welcoming the Organization for Security and Cooperation in Europe Parliamentary Assembly to the District of Columbia and calling upon it to adopt a resolution at its assembly in support of full and equal voting rights for the citizens of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Full and Equal Voting Rights for Citizens of the District of Columbia Organization for Security and Cooperation in Europe Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Organization for Security and Cooperation in Europe ("OSCE") is made up of 55 states, including the United States, from Europe, Central Asia, and North America, and forms the largest regional security organization in the world.

(b) OSCE institutions include negotiating, decision-making, and operational bodies, which deal with a wide range of issues, including human rights issues.

(c) The OSCE Parliamentary Assembly will hold its first Annual Session meeting in the United States, July 1-5, 2005, in Washington, D.C., which presents an historic opportunity for the residents of the District to impress upon the OSCE the District's disenfranchisement in its national legislature and the human rights violation which that represents, and for the Council to seek a resolution from the Parliamentary Assembly supporting full and equal voting rights for the citizens of the District of Columbia.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council in Support of Full and Equal Voting Rights for Citizens of the District of Columbia Organization for Security and Cooperation in Europe Emergency Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

16-173

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare, on an emergency basis, the sense of the Council on welcoming the Organization for Security and Cooperation in Europe Parliamentary Assembly to the District of Columbia and calling upon it to adopt a resolution at its assembly in support of full and equal voting rights for the citizens of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Full and Equal Voting Rights for Citizens of the District of Columbia Organization for Security and Cooperation in Europe Emergency Resolution of 2005".

Sec. 2. The Council finds that:

(1) The Organization for Security and Cooperation in Europe ("OSCE") is made up of 55 states, including the United States, from Europe, Central Asia, and North America, and forms the largest regional security organization in the world.

(2) OSCE institutions include negotiating, decision-making, and operational bodies, which deal with a wide range of issues, including human rights issues.

(3) The OSCE Parliamentary Assembly will hold its first Annual Session meeting in the United States, July 1-5, 2005, in Washington, D.C.

(4) Approximately 572,000 residents of the District of Columbia, in violation of established international human rights standards, are denied full voting rights in their national legislature.

(5) Ensuring equal voting rights for citizens of member states is a fundamental OSCE commitment.

Sec. 3. It is the sense of the Council that:

(1) The Council of the District of Columbia welcomes the OSCE Parliamentary Assembly to Washington, D.C., and to the United States.

(2) The Council calls on the OSCE Parliamentary Assembly to adopt a resolution at its Annual Session observing that the approximately 572,000 residents of Washington, D.C., continue to be denied equal and full voting rights in the United States House of Representatives and the United States Senate, and insisting that the government of the United States adopt such legislation as may be necessary to grant the residents of its capital city equal and full voting rights in their own national legislature.

**ENROLLED ORIGINAL**

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit copies of this resolution, upon its adoption, to the President of the United States, the Mayor of the District of Columbia, the District of Columbia Delegate to the United States House of Representatives, the chairpersons of the committees of the United States Congress with oversight and budgetary jurisdiction over the District of Columbia, the presiding officer of the OSCE, and the presiding officer of the OSCE's Parliamentary Assembly.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-174

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. POJA-2003-HC-0011-046 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that Human Care Agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-0011-046 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Human Care Agreement No. POJA-2003-HC-0011-046 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that agreement.

(b) On March 15, 2004, a Human Care Agreement was awarded to Lt. Joseph P. Kennedy Institute. Seven task orders for the period July 1, 2004 through September 30, 2004, in the amount of \$502,830.28, were issued to Lt. Joseph P. Kennedy Institute for its 6 residential facilities. An additional 6 task orders were issued in an amount of \$394,420.26. On December 18, 2004, an additional 6 task orders were issued for the period December 18, 2004 through January 3, 2005 in the amount of \$85,963.39. These 6 task orders, when combined with previously issued task orders, equal a total of \$983,213.93.

(c) To maintain these critical court-ordered services, an additional 6 task orders, in the amount of \$353,966.90, for the period January 4, 2005 through March 14, 2005, were placed against Human Care Agreement No. POJA-2003-HC-0011-046. These task orders, combined with the previously issued task orders, cumulatively total \$1, 337,180.83.

(d) Approval is necessary to allow payment for these vital court-ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

**ENROLLED ORIGINAL**

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. POJA-2003-HC-0011-046 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

16-175

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve the award of task orders to be placed against option year one of the Human Care Agreement No. POJA-2003-HC-011-040 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-011-040 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the award of task orders issued under Human Care Agreement No. POJA-2003-HC-011-040, for residential services for persons with mental retardation and developmental disabilities, and to authorize payment for the services received under that agreement.

(b) On February 10, 2005, a contract for option year one was awarded to National Children's Center. Nine task orders for the period February 10, 2005 through April 30, 2005, in the amount of \$893,220.80, were issued to National Children's Center for its 9 residential facilities. An additional 9 proposed task orders for the period May 1, 2005 through February 9, 2006, in the amount of \$3,185,096.92, will require approval by the Council.

(c) Approval is necessary to allow payment for these vital court ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. POJA-2003-HC-011-040 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

16-176

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve the exercise of option year one of Human Care Agreement No. POJA-2003-HC-0011-046 for residential services and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-0011-046 Option Year One Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve option year one of Human Care Agreement No. POJA-2003-HC-0011-046 for residential services for 26 persons with mental retardation and developmental disabilities and to authorize payment for the services received under that contract.

(b) On March 14, 2005, the base year of Human Care Agreement No. POJA-2003-HC-0011-046 for residential services expired. In order to continue these services, the Office of Contracting and Procurement exercised a partial option for the period of March 15, 2005, through May 13, 2005 in the amount of \$316,124.57. The amount for the remainder of the option year one is \$1,556,617.85, with a total amount of \$1,872,742.42 for the entire option year one from March 15, 2005, through March 14, 2006.

(c) Approval is necessary to allow the District to continue to receive the benefit of these vital residential services from Lt. Joseph P. Kennedy Institute. Without this approval, the contract must cease and the contractor cannot be paid for services provided in excess of \$1 million.

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 Human Care Agreement No. POJA-2003-HC-0011-046 Option Year One Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

16-177

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. DCFL-2005-D-0001 for food services for the Department of Corrections, the Department of Mental Health, and the Department of Youth Rehabilitation Services and to authorize payment for services under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFL-2005-D-0001 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCFL-2005-D-0001 for food services for the Department of Correction's inmate population, the Department of Mental Health's patients, and the Department of Youth Rehabilitation Service's juvenile residents and to authorize payment for the services received and to be received under that contract.

(b) On January 21, 2005, the long-term contract with Aramark Correctional Services, Inc. ("Aramark") expired. In order to continue the services, the Office of Contracting and Procurement ("OCP") awarded a 76-day contract to Aramark in the amount of \$988,852.53 for the period January 22, 2005 through April 7, 2005.

(c) On April 7, 2005, OCP exercised an option in the amount of \$299,259.72 to extend the contract from April 8, 2005 through April 30, 2005. On April 29, 2005, OCP further extended the contract through June 30, 2005. The total amount of the 76-day contract and subsequent modifications through June 30, 2005 is \$2,076,585.89. OCP intends to extend the contract from July 1, 2005 through December 31, 2005 while the long-term procurement is being completed. The total amount for the period of January 22, 2005 through December 31, 2005 is \$4,446,681.93.

(d) Approval is necessary to allow payment for these vital services that were needed in to part ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCFL-2005-D-0001 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. POTO-2004-C-0039 for technical assistance and support services for Department of Employment Services information systems and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POTO-2004-C-0039 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. POTO-2004-C-0039 for technical assistance and support services for the Department of Employment Services information systems and to authorize payment for services received under that contract.

(b) On March 7, 2005, the Office of Contracting and Procurement awarded a 2-month letter contract in the amount of \$582,000 to On Point Technology, Inc., to provide technical assistance and support services for the Department of Employment Services information systems. The proposed definitive contract into which the letter contract merges is in the amount of \$3,493,285 and covers the period of March 7, 2005 through March 6, 2006.

(c) Approval is necessary to allow the District to continue to receive the benefit of these vital residential services from On Point Technology, Inc. Without this approval, the contract must cease and the contractor cannot be paid for services provided in excess of \$1 million.

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 Contract No. POTO-2004-C-0039 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

16-179

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to authorize payment to Greater Southeast Community Hospital for diagnostic and toxicology laboratory services provided to the Department of Health, Addiction, Prevention and Recovery Administration, without a valid written contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Greater Southeast Community Hospital Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) Greater Southeast Community Hospital ("Hospital") provided diagnostic and toxicology laboratory services to the Department of Health, Addiction, Prevention and Recovery Administration ("Department") during the months of July 2001 through June 2002 without a valid written contract. The Hospital submitted invoices in the amount of \$474,260 for the services provided during those 11 months.

(b) The Department submitted to the Office of Contracting and Procurement documents to authorize payment to the Hospital. The Chief Procurement Officer has reviewed these documents and found the prices for the services to be fair and reasonable, and accordingly recommends that payment be authorized to the Hospital. Since the proposed payment amount is over \$100,000, Council approval, by act, is necessary, pursuant to section 105(d)(5)(F)(ii) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85, D.C. Official Code §2-301.05(d)(5)(F)(ii)).

(c) The Hospital provided the services over 2 years ago. Delay in providing payment for the services has caused, and will continue to cause, financial strain on the healthcare provider located in 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 Greater Southeast Community Hospital Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. POFA-2002-C-0002 for occupational medical services for eligible law enforcement and public safety personnel of the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the D.C. Housing Authority, the United States Park Police and the United States Secret Service Uniformed Division, and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POFA-2002-C-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. POFA-2002-C-0002 for occupational medical services for eligible law enforcement and public safety personnel of the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the D.C. Housing Authority, the United States Park Police and the United States Secret Service Uniformed Division, and to authorize payment for the services received under that contract.

(b) On February 26, 2002, the long-term contract with PFC Associates, L.L.C., to provide occupational medical services for eligible law enforcement and public safety personnel of the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the D.C. Housing Authority, the United States Park Police and the United States Secret Service Uniformed Division expired. Before the expiration of the contract, the Office of Contracting and Procurement ("OCP") issued Solicitation No. POFA-2002-R-0002 in order to award another contract through the competitive bidding process. In order to continue occupational medical services for eligible law enforcement and public safety personnel, OCP awarded a sole source contract to PFC in the amount of \$990,000 for the period February 27, 2002 through April 30, 2002 to maintain continuity of medical services for the eligible law enforcement and public safety personnel.

(c) In order to continue occupational medical services for eligible law enforcement and public safety personnel, OCP awarded month-to-month contracts to PFC, from May 1, 2002 through September 30, 2004 in the amount of \$437,283, \$441,956, \$494,897, \$479,431, \$463,965, \$483,553.12, \$132,269.44, \$351,283.68, \$483,553.12, \$483,553.12, \$483,553.12, \$483,553.12, \$483,553.12, \$483,553.12, \$483,553.21, and \$483,553.12, respectively. Several amendments were made to the original solicitation as the agency requirements and budget allocations continued to change and this further delayed the award of a new contract. PFC is the successful respondent to the solicitation for continuation of these services, and negotiated a new contract (No. POFA-2005-C-0002) consisting of a 3-year

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base period and 2 options of one year each with OCP. The total amount committed and expended under the sole source contract including month-to-month purchase orders for the period February 27, 2002 through September 30, 2004 is \$14,795,318.50.

(d) Approval by the Council of the sole source contract, as extended by the month-to-month purchase orders, is necessary since expenditures were well in excess of \$1 million over a 12-month period.

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 Contract No. POFA-2002-C-0002 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

16-181

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. POFA-2005-C-0002 for occupational medical services for eligible law enforcement and public safety personnel of the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the D.C. Housing Authority, the United States Park Police, and the United States Secret Service Uniformed Division, and to authorize payment for the services received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POFA-2005-C-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. POFA-2002-C-0002 for occupational medical services for eligible law enforcement and public safety personnel of the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the D.C. Housing Authority, the United States Park Police, and the United States Secret Service Uniformed Division, and to authorize payment for the services received under that contract.

(b) On February 26, 2002, the long-term contract with PFC Associates, L.L.C., ("PFC") to provide occupational medical services for eligible law enforcement and public safety personnel of the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the D.C. Housing Authority, the United States Park Police, and the United States Secret Service Uniformed Division expired. Before the expiration of the contract, the Office of Contracting and Procurement ("OCP") issued Solicitation No. POFA-2002-R-0002 in order to award another contract through the competitive bidding process. In order to continue those services for these eligible law enforcement and public safety personnel, OCP awarded a sole source contract to PFC in the amount of \$990,000 for the period February 27, 2002 through April 30, 2002.



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## A RESOLUTION

16-182

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. POJA-2002-H-1035-00013 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2002-H-1035-00013 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve task orders to be placed against Human Care Agreement No. POJA-2002-H-1035-00013 for the period November 4, 2004 through November 3, 2005, for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that agreement.

(b) The Office of Contracting and Procurement awarded a contract for option year 2 to the Institute for Developmental Disabilities, Inc. ("IDI"), on November 4, 2004 for the period November 4, 2004 through November 3, 2005. The cumulative value of the task orders to be issued during option year 2 is an estimated amount of \$1.1 million and will require approval by the Council.

(c) Approval is necessary to allow payment for these vital court-ordered services that are needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, IDI cannot be paid for services provided in excess of \$1 million.

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 Human Care Agreement No. POJA-2002-H-1035-00013 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. POJA-2002-H-1035-0009 (RSCR of West Virginia, Inc.) for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2002-H-1035-0009 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the award of task orders issued under Human Care Agreement No. POJA-2002-H-1035-0009 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that Agreement.

(b) On March 15, 2005, a contract for option year one was awarded to RSCR West Virginia, Inc. The cumulative value of the task orders to be issued during option year two, in the amount of \$1.25 million, will require approval by the Council.

(c) Approval is necessary to allow payment for these vital court-ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. PO-JA-2003-HC-0011-046 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve the award of task orders to be placed against option year one of Human Care Agreement No. POJA-2003-HC-011-045 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-011-045 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the award of task orders issued under Human Care Agreement No. POJA-2003-HC-011-045 for residential services for persons with mental retardation and developmental disabilities, and to authorize payment for the services received under that agreement.

(b) On February 26, 2005, a contract for option year one was awarded to The Arc of the District of Columbia ("Arc"). Eight task orders for the period February 26, 2005 through May 25, 2005, in the amount of \$912,622.91, were issued to The Arc for its 8 residential facilities. An additional 8 proposed task orders for the period May 26, 2005 through February 25, 2006, in the amount of \$2,641,237.20, will require approval by the Council.

(c) Approval is necessary to allow payment for these vital court-ordered services that are needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, The Arc cannot be paid for services provided, or to be provided, in the total amount of \$3,553,860.11, for the period February 26, 2005 through February 25, 2006.

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 Human Care Agreement No. POJA-2003-HC-011-045 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. POJA-2003-HC-011-013 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-011-013 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve task orders placed against Human Care Agreement No. POJA-2003-HC-011-013 for the period March 2, 2005 through March 1, 2006, for residential services for persons with mental retardation and developmental disabilities, and to authorize payment for the services received under that agreement.

(b) A partial option for option year one was awarded to Florida Institute for Neurologic Rehabilitation, Inc. for the period March 2, 2005 through September 30, 2005. Two task orders for the period March 2, 2005 through September 30, 2005, in the amount of \$843,160.00, were issued to Florida Institute for Neurologic Rehabilitation, Inc. for its 6 customers.

(c) Approval is necessary to allow payment for these vital court-ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided, or to be provided, in the total amount of \$1,518,040, for the period March 2, 2005 through March 1, 2006.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. POJA-2003-HC-011-013 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-186

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders to be placed against Human Care Agreement No. PO-JA-2003-HC-011-039 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. PO-JA-2003-HC-011-039 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve task orders to be placed against Human Care Agreement No. POJA-2003-HC-011-039 for the period January 28, 2005 through January 27, 2006, for residential services for persons with mental retardation and developmental disabilities, and to authorize payment for the services received and to be received under that agreement.

(b) Option Period One was exercised for PSI Services III, Inc. on January 28, 2005. No task orders have been issued during Option Period One.

(c) Approval by the Council is necessary to allow payment for these vital court-ordered services that are needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided, and to be provided, in the total amount of \$5 million for the period January 28, 2005 through January 27, 2006.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. POJA-2003-HC-011-039 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-187

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. POJA-2003-HC-011-005 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-011-005 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the award of task orders issued under Human Care Agreement No. POJA-2003-HC-011-005, for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that agreement.

(b) On March 16, 2005, a contract for option year one was awarded to Ward & Ward Associates, Inc. Thirty-two task orders for the period May 1, 2005 through June 29, 2005, in the amount of \$969,913.40, have been issued to Ward & Ward Associates, Inc., for its 27 residential facilities. The cumulative value of these task orders, and others to be issued during the option year one period (March 16, 2005 through March 15, 2006), is \$5,209,882.42, which requires approval by the Council.

(c) Approval is necessary to allow payment for these vital court-ordered services that are needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

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 Human Care Agreement No. POJA-2003-HC-011-005 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-188

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed against Human Care Agreement No. POJA-2003-HC-011-023 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-011-023 Approval and Payment Authorization Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to approve task orders placed against Human Care Agreement No. POJA-2003-HC-011-023 for the period April 2, 2005 through April 1, 2006, for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received, and to be received, under that agreement.

(b) Partial options for option year one were awarded to Multi-Therapeutic Services, Inc. for the period April 2, 2005 through May 1, 2005. A second partial option was awarded for the period May 2 through July 1, 2005. Four task orders for the period April 2, 2005 through July 1, 2005, in the amount of \$330,018.60, were issued to Multi-Therapeutic Services, Inc. The cumulative value of the task orders (up to 40) to be issued during option year one, in the amount of \$ 3,144,064.14, will require approval by the Council.

(c) Approval is necessary to allow payment for these vital court-ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*). Without this approval, the contractor cannot be paid for services provided, or to be provided, in the amount of \$3,144,064.14.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. POJA-2003-HC-011-023 Approval and Payment Authorization Emergency Act of 2005 is adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-189

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to approve task orders placed, and to be placed, against Human Care Agreement No. POJA-2003-HC-011-037 for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received under that human care agreement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Human Care Agreement No. POJA-2003-HC-011-037 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the award of task orders placed, and to be placed, against Human Care Agreement No. POJA-2003-HC-011-037, for residential services for persons with mental retardation and developmental disabilities and to authorize payment for the services received, and to be received, under that agreement.

(b) On March 15, 2005 and April 15, 2005, partial options through June 14, 2005 were awarded to Community Multi-Services, Inc. The cumulative value of the task orders to be issued during the full option year one will be in the amount of \$2 million and will require approval by the Council.

(c) Approval by the Council is necessary to allow payment for these vital court-ordered services that were needed to ensure compliance with the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D. C. Official Code § 7-1301.02, *et seq.*). Without this approval, the contractor cannot be paid for services provided in excess of \$1 million.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Human Care Agreement No. POJA-2003-HC-011-037 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

16-190

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 7, 2005

To declare the existence of an emergency with respect to the need to authorize payment to Chronimed, Inc., for pharmacy goods and services provided to the Department of Mental Health without a valid contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Chronimed, Inc. Payment Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Department of Mental Health ("DMH") entered into a written contract with Chronimed, Inc., on October 29, 2002 to provide pharmaceuticals and pharmacy services with the expectation of saving the District substantial costs by shifting payment for medications for eligible consumers to Medicaid. The projected costs to the DMH under the contract were approximately \$657,000.

(b) The total cost to DMH turned out to be well in excess of the anticipated cost for several reasons, the most significant factor being a much lower percentage of enrolled consumers having the Medicaid pharmacy benefit than expected. The balance owing is \$2,166,998. This represents full payment for goods and services provided from November 5, 2002 through February 26, 2003.

(c) Because the contract costs exceeded \$1 million without advance approval by the Council and for other reasons the contract is void. Accordingly, DMH has refrained from making any payments beyond the originally projected cost of \$657,000 since April of 2003.

(d) Nevertheless, DMH received pharmaceutical supplies and services that clearly benefited the District; the DMH chief contracting officer has determined that the prices charged for the pharmaceutical services and supplies received were fair and reasonable. The District's Chief Financial Officer has reviewed the documents and recommends that payment be authorized to Chronimed, Inc.

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 Chronimed, Inc. Payment Emergency Authorization Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.