

ENROLLED ORIGINAL

A RESOLUTION

16-231

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 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 \$38 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Georgetown Day School, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgetown Day School Revenue Bonds Project Approval Resolution of 2005".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

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

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

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

and other similar instruments.

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

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

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

(10) "Issuance costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the financing documents, the closing documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

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

(12) "Project" means:

(A) The financing and refinancing of all or a portion of the costs of the construction, renovation, equipping and furnishing of certain elementary and secondary school facilities, comprising approximately 76,000 square feet in the aggregate and a below-grade parking garage consisting of approximately 150 parking spaces owned by the borrower and located at 4200 Davenport Street, N.W., Washington, D.C. (Square 1672, Lot 0804 and Square 1673, Lot 0821), and refinancing indebtedness incurred for prior construction at 4530 MacArthur Boulevard, N.W., Washington, D.C. (Square 1356, Lots 0896, 0899, 0906, 0907, 0922 and 0923) (the "MacArthur Facilities"), and equipping and furnishing the MacArthur Facilities;

(B) Funding, if necessary, of any working capital costs;

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

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

Sec. 3. Findings.

The Council finds that:

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(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 \$38 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 \$38 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:

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- (1) The final form, content, designation, and terms of the bonds, including a determination that such bonds may be issued in certificated or book-entry form;
 - (2) The principal amount of the bonds to be issued and denominations of the bonds;
 - (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
 - (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;
 - (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
 - (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
 - (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
 - (8) The time and place of payment of the bonds;
 - (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
 - (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
 - (11) The terms and types of credit enhancement under which the bonds may be secured.
- (b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.
- (c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.
- (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.
- (e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.
- (f) The bonds may be issued at any time or from time to time in one or more issues and in

one or more series.

Sec. 6. Sale of the bonds.

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

(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 the 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.

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Official Code § 1-206.03(c)(3)).

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A RESOLUTION

16-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 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 \$12,500,000 in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist The Hospital for Sick Children 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 "The Hospital for Sick Children Revenue Bonds Project Approval Resolution of 2005".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

- (1) "Authorized delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.
- (2) "Bond counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.
- (3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.
- (4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds which shall be The Hospital for Sick Children, a District of Columbia 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 contemplated thereby, and includes agreements, certificates, letters,

opinions, forms, receipts, and other similar instruments.

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

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

(9) "Issuance costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the financing documents, the closing documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees, compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

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

(11) "Project" means:

(A) The refinancing of outstanding taxable debt used on an interim basis to refund the District's Hospital Revenue Bonds (The Hospital for Sick Children Issue) Series 1991A, the proceeds of which were used in connection with the demolition and reconstruction (of a portion), development, construction, improvement, equipping, furnishing, and maintaining of the facilities owned by the borrower and located at 1731 Bunker Hill Road, N.E., Washington, D.C. (Lot 4, Square 4163); and

(B) The paying of certain expenditures associated therewith, including, without limitation, prepayment premiums, defeasance costs, costs of issuance, 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 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

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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 \$12,500,000, 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 health 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 \$12,500,000; and

(2) The making of the loan.

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

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

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other financing documents, and the closing documents to which the District is a party.

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

(d) The District shall have no liability for the payment of any issuance costs or for any transaction or event to be effected by the financing documents.

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

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(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 the 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 its 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

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.03(c)(3)).

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to reform the Board of Real Property Assessments and Appeals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Real Property Assessments and Appeals Reform Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) This legislation clarifies the definition of the term "officers" to mean employees of the District of Columbia for the purposes of serving on the Board of Real Property Assessments and Appeals ("Board").

(b) This legislation will require that by February 1 of each year all pending real property assessment appeals cases shall be finalized by the Board so residents can have the decisions reflected on their next year's property tax bill.

(c) The legislation will require Board members to have 30 days to finalize a residential case and 80 days to finalize a commercial case upon the completion of the hearing.

(d) The legislation shortens the length terms of Board members can serve from 5 years to 3 years to require the Board members to come before the Council for reconfirmation at least once every Council period to be held accountable for their performance. Along with shortening the terms of service, the legislation removes the limit of 3 terms of 5 years that Board members can serve because of the challenges faced by the Board in recruiting qualified candidates willing to serve sufficient hours on the Board.

(e) The current emergency, the Board of Real Property Assessments and Appeals Reform Emergency Act of 2005 (Bill 16-267), expires on August 16, 2005. The Board of Real Property Assessments and Appeals Reform Temporary Act of 2005 (Bill 16-268), is pending Congressional review, with a projected law date of September 16, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Real Property Assessments and Appeals Reform Congressional Review Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve the formation of the Adams Morgan Business Improvement District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Adams Morgan Business Improvement District Congressional Review Amendment Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Business Improvement District Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*) ("BID Act"), provided for the formation of the Downtown Business Improvement District ("Downtown BID") and the Golden Triangle Business Improvement District ("Golden Triangle BID") in the summer of 1997 to promote the general welfare of the residents, employers, employees, property owners, commercial tenants, consumers, and the general public within the BIDs' geographic area by preserving, maintaining, and enhancing the economic health and vitality of the BID areas as community and business centers.

(b) The Council amended the BID Act in 1998 to provide for the formation of the Georgetown Business Improvement District ("Georgetown BID"). The Council amended the BID Act in 2002 to provide for the formation of the Capitol Hill Business Improvement District ("Capitol Hill BID").

(c) The Downtown BID area, the Golden Triangle BID area, the Georgetown BID area, and the Capitol Hill BID area are major commercial sectors in the District of Columbia.

(d) These BIDs have proved effective in providing public safety, public space maintenance, and other services in their respective BID areas, and in enhancing the economic health and vitality of those areas by making it safer and more attractive for visitors and residents.

(e) The presence of BID public safety and public space maintenance personnel on streets in the existing BID areas is likely to have spillover effects upon the economic health and vitality of the Adams Morgan commercial area because of a likelihood that there will be a migration of crime, litter, and other quality of life infractions to other commercial areas of the city that are without these services, making them less safe and attractive for visitors and residents and having an adverse impact on the local economy.

ENROLLED ORIGINAL

(f) Commercial property owners, commercial tenants and residents of Adams Morgan have formed an Adams Morgan Businesses Improvement District, which will encompass major portions of Adams Morgan's commercial area and will provide similar public safety, public space maintenance and other services similar to those being provided in the existing BID areas.

(g) Organizers of the Adams Morgan BID have completed the petition process, have submitted a BID application to the Mayor, and, subject to registration of the BID by the Mayor, expect to begin providing BID services in the fall of 2005.

(h) In May 2005, the Council enacted the Adams Morgan Business Improvement District Emergency Amendment Act of 2005, effective May 18, 2005 (D.C. Act 16-0080; 52 DCR 5254) ("Emergency Amendment Act"). The Emergency Amendment Act, which established the boundaries of and the assessment rate for the BID, expires on August 16, 2005.

(i) Temporary legislation, the Adams Morgan Business Improvement District Temporary Amendment Act of 2005 ("Temporary Act"), signed by the Mayor on June 22, 2005 (D.C. Act 16-0101; 52 DCR ____), was transmitted to Congress on June 23, 2005, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December, 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(j) The projected expiration date of the Congressional review period for the Temporary Act is September 16, 2005, a month after the expiration of the Emergency Amendment Act.

(k) It is of vital importance to the start-up of the BID and its ability to provide services in the Adams Morgan commercial area that the provisions of the Emergency Amendment Act continue in effect, without interruption, until temporary legislation is in place.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to order the removal of the paper street alignment of Savannah Street, S.E., from the Plan of the Permanent System of Highways (S.O. 04-8736) and to accept the dedication of land for several minor streets and alleys in Square 5912.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Removal from the Plan of the Permanent System of Highways, Savannah Street, S.E., and the Dedication of Land for Street Purposes (S.O. 04-8736) Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Council enacted the Removal of the paper street alignment of Savannah Street, S.E., from the Plan of the Permanent System of Highways (S.O. 04-8736) Act of 2005, passed on 2nd reading on July 6, 2005 (Engrossed version of Bill 16-196), which must be sent to Congress for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), following signing of the legislation by the Mayor.

(b) Passing emergency legislation will facilitate the commencement of the development of the residential Asheford Court phase of the Camp Simms project by September 2005, which consists of 75 single family detached homes. In addition to providing new home ownership opportunities, which are lacking in Ward 8, the developer has also agreed to set aside 16 of the 75 units for affordable housing.

(c) The Camp Simms project will also include a commercial phase. The commercial component of the Shops at Park Village will be expanded to include a full service grocer, a restaurant pad, and retail shops. On March 1, 2005, CHR, LLC signed a lease with Giant Food as its anchor tenant, which will bring a much needed supermarket to the Ward 8 community. For the retail shops, CHR, LLC envisions a mix of a hardware store, a women and children's apparel store, food stores, a bank, dry cleaners, or a video store, and other operations.

(d) The emergency legislation will permit the developer to begin construction of the homes in March 2006, allow Giant to take control of its site in April 2006 and open for business in March 2007, and allow overall construction to begin much earlier and help to prevent further escalation of the development costs.

(e) The Advisory Neighborhood Commission 8B supports both the residential and the

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commercial components of the Camp Simms Project.

(g) Development of the Camp Simms site is in the best interest of the District, the Ward 8 community, and the surrounding area. In addition to providing much needed residential and commercial development, the completion of the \$37 million project will transform a blighted government tax-exempt property into a vibrant and robust development, which will provide millions of dollars in sales, payroll, and business taxes.

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 Removal from the Plan of the Permanent System of Highways, Savannah Street, S.E., and the Dedication of Land for Street Purposes (S.O. 04-8736) Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia qualified zone academy revenue bonds in one or more series pursuant to a plan of finance for the benefit of the District of Columbia public schools and public charter schools and to secure the payment of the principal on the revenue bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) This legislation allows for the issuance, sale, and delivery of District of Columbia qualified zone academy revenue bonds up to the amount authorized pursuant to the Tax Relief Act of 1997.

(b) Five schools are eligible for Qualified Zone Academy Bonds, which are taxable bonds issued by state and local governments to benefit public schools located in empowerment zones, where at least 35% of the students are eligible to receive free or reduced price lunches.

(c) The permanent legislation is scheduled for second reading at the July 6, 2005 legislative meeting. Approving identical emergency legislation may allow the schools to receive funding under this legislation more expeditiously.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency, with respect to the need to order the closing of Patricia Roberts Harris Drive, N.E., to facilitate the construction of a residential development that is bounded by 31st Place, N.E., Fort Lincoln Drive, N.E., and South Dakota Drive, N.E. in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of Patricia Roberts Harris Drive, N.E., in Square 4325, S.O. 03-5187, Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close Patricia Roberts Harris Drive, N.E. in Square 4325 located in Ward 5.

(b) On June 21, 2005, the Council approved the 1st reading of Bill 16-255, the Closing of Patricia Roberts Harris Drive, N.E., in Square 4325, S.O. 03-5187, Act of 2005, following mark-up by the Committee of the Whole. Final reading on Bill 16-255 is scheduled for July 6, 2005.

(c) The emergency legislation will facilitate the development of approximately 210 townhouses with private roadways, tot lots, common area open space, tree preservation areas and over 500 parking spaces. The residential homes will be located in the Fort Lincoln Urban Renewal Area, a residential neighborhood originally planned in the late 1960's as a federal government-financed urban renewal community to include townhouses, high-rise apartments and condominiums, park and recreational areas, retail and office areas, preserved natural areas and historic landmarks. The proposed development received unanimous support from Advisory Neighborhood Commission 5A.

(d) The development of this project and the addition of approximately 210 new households will have a positive fiscal impact on the District of Columbia through the general of significant additional tax revenues in the form of recordation, transfer, income, and sales taxes.

(e) The street closing is a critical element of the development of this project. Approval of the emergency legislation will allow the construction of the proposed development to proceed expeditiously. A subdivision of lots application has been submitted to the Office of the Surveyor and a building permit application has been submitted to the Department of Consumer and Regulatory Affairs for review. The adoption of this resolution will allow for the prompt approval of a subdivision of lots and a building permit authorizing construction of this project.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of Patricia Roberts Harris Drive, N.E., in Square 4325, S.O. 03-5187, Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposals for the Golden Rule Apartments project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Golden Rule Apartments Project Mortgage Revenue Bonds Emergency Declaration Resolution of 2005".

Sec. 2. The District of Columbia Housing Finance Agency ("HFA") seeks to close on the Golden Rule Apartments project prior to September 2005. Under the HFA statute, a housing finance proposal must be submitted to the Council for a 30-day review period which the Council may waive by affirmatively approving the project prior to the end of that period. Due to the Council's summer recess, the proposed project may not complete its 30-day review period until at least September 2005.

Sec. 3. Golden Rule Apartments is in a deteriorated physical condition and has failed consecutive U.S. Department of Housing and Urban Development ("HUD") REAC inspections. Although the owner is working with HUD to preclude enforcement action, the property faces potential foreclosure action from HUD that may include the removal of the long-term Section 8 contract that currently preserves affordability at the property. Quick rehabilitative action prior to September 2005 may forestall imminent HUD foreclosure action.

Sec. 4. Due to the imminent HUD foreclosure and other factors, it is necessary to pass this resolution on an emergency basis.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Housing Finance Agency Golden Rule Project Mortgage Revenue Bonds Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 6. This resolution shall take effect immediately.

A RESOLUTION

16-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To approve, on an emergency basis, the District of Columbia Housing Finance Agency's issuance of multi-family housing revenue bonds in an amount not to exceed \$12.6 million for the purpose of financing the Golden Rule Apartments project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Golden Rule Apartments Mortgage Revenue Bonds Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective May 9, 1985 (D.C. Law 6-4; D.C. Official Code § 42-2702.07(b)) ("Housing Finance Agency Act"), the Council approves the proposal by the District of Columbia Housing Finance Agency ("HFA") for the issuance of multi-family housing revenue bonds in a principal amount not to exceed \$12.6 million to provide acquisition and rehabilitation financing for the Golden Rule Apartments project located at 901 New Jersey Avenue, N.W., which financing has been determined by the HFA through enactment of an eligibility resolution dated June 28, 2005 to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Fiscal impact statement.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency's proposal for the Galen Terrace project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Galen Terrace Project Mortgage Revenue Bonds Emergency Declaration Resolution of 2005".

Sec. 2. The District of Columbia Housing Finance Agency ("HFA") seeks to close on the Galen Terrace project by August 2005. Under the HFA statute, a housing finance proposal must be submitted to the Council for a 30-day review period which the Council may waive by affirmatively approving the project prior to the end of that period. Due to the Council's summer recess, the proposed project would not complete its 30-day review period until at least September 2005.

Sec. 3. Galen Terrace is a tenant-purchase transaction with a purchase and sale agreement to buy 1641-1649 W Street, S.E. and 2304-2312 Green Street, S.E., Washington, D.C., structured in accordance with the 240-day rule for the tenant's right of first refusal which is due to expire in August 2005. Absent of closing prior to the expiration of this 240-day period, the tenants will lose their rights to purchase the property.

Sec. 4. Due to the August 2005 deadline for the exercise of the tenant's right of first refusal under the purchase and sale agreement, it is necessary to pass this resolution on an emergency basis.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Housing Finance Agency Galen Terrace Revenue Bonds Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

16-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To approve, on an emergency basis, the District of Columbia Housing Finance Agency's issuance of multi-family housing revenue bonds in an amount not to exceed \$5.66 million for the purpose of financing the Galen Terrace project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Galen Terrace Revenue Bonds Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective May 9, 1985 (D.C. Law 6-4; D.C. Official Code § 42-2702.07(b)) ("Housing Finance Agency Act"), the Council approves the proposal by the District of Columbia Housing Finance Agency ("HFA") for the issuance of multi-family housing revenue bonds in a principal amount not to exceed \$5.66 million to provide acquisition and rehabilitation financing for the Galen Terrace Project located at 1641-1649 W Street, S.E., and 2304-2312 Green Street, S.E., Washington D.C. which financing has been determined by the HFA through enactment of an eligibility resolution dated June 28, 2005 to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Fiscal impact statement.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposal for the Arthur Capper Seniors Building II project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Arthur Capper Seniors Building II Project Mortgage Revenue Bonds Emergency Declaration Resolution of 2005".

Sec. 2. The District of Columbia Housing Finance Agency ("HFA") seeks to close on the Arthur Capper Seniors Building II project prior to September 2005. Under the HFA statute, a housing finance proposal must be submitted to the Council for a 30-day review period which the Council may waive by affirmatively approving the project prior to the end of such a period.

Sec. 3. Approval of the Arthur Capper Seniors Building II will be 2 days shy of completion of the 30 day review period when the Council begins its reduced summer recess schedule, and, therefore, the project may not be approved until September 2005. Failure to approve the project prior to September 2005 will cause the D.C. Housing Authority ("DCHA") to be penalized by the Department of Housing and Urban Development ("HUD") for failure to use the HOPE VI funds for Arthur Capper Senior Building II in a timely fashion as required by its fiscal year 2001 HOPE VI Revitalization Grant Agreement ("grant agreement") with HUD.

Sec. 4. Due to DCHA's obligations under the grant agreement and other factors, it is necessary to pass this resolution on an emergency basis.

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Housing Finance Agency Arthur Capper Seniors Building II Project Mortgage Revenue Bonds Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To approve, on an emergency basis, the District of Columbia Housing Finance Agency's issuance of multi-family housing revenue bonds in an amount not to exceed \$11 million for the purpose of financing the Arthur Capper Seniors Building II project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Arthur Capper Seniors Building II Project Mortgage Revenue Bonds Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective May 9, 1985 (D.C. Law 6-4; D.C. Official Code § 42-2702.07(b)) ("Housing Finance Agency Act"), the Council approves the proposal by the Housing Finance Agency ("HFA") for the issuance of multi-family housing revenue bonds in a principal amount not to exceed \$11 million to provide new construction financing for the Arthur Capper Seniors Building II Project located between 5th and 7th Streets, S.E., which financing has been determined by the HFA through enactment of an eligibility resolution dated May 17, 2005 to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Fiscal impact statement.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposal for the Eastgate Seniors project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Eastgate Seniors Project Mortgage Revenue Bonds Emergency Declaration Resolution of 2005".

Sec. 2. The District of Columbia Housing Finance Agency ("HFA") seeks to close on the Eastgate Seniors project by September 30, 2005. Under the HFA statute, a housing finance proposal must be submitted to the Council for a 30-day review period which the Council may waive by affirmatively approving the project prior to the end of that period. Due to the Council's summer recess, the proposed project will not close before September 30, 2005, subjecting the D.C. Housing Authority ("DCHA") to the loss of replacement housing factor funds ("RHF") from a special U.S. Department of Housing and Urban Development ("HUD) program and which comprise a significant portion, or \$3.7 million, of the \$11.6 million total development costs needed.

Sec. 3. DCHA's ability to provide the needed \$3.7 million in RHF financing for the Eastgate Seniors Project depends upon the timely issuance of HFA bonds to provide the remaining \$7.2 million. The RHF funds are made available to DCHA specifically to increase the availability of low-income housing and HUD requires that the remaining HFA funds be used in a timely manner. HUD requires that a closing on the HFA portion of the financing occur before the RHF funds can be expended. The RHF funds also have a statutory sunset of September 30, 2005 by which the funds must either be expended or be recaptured by HUD.

Sec. 4. Due to the statutory sunset and other factors, it is necessary to pass this resolution on an emergency basis.

ENROLLED ORIGINAL

Sec. 5. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Housing Finance Agency Eastgate Seniors Project Mortgage Revenue Bonds Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To approve, on an emergency basis, the District of Columbia Housing Finance Agency's issuance of multi-family housing revenue bonds in an amount not to exceed \$7.2 million for the purpose of financing the Eastgate Seniors Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Finance Agency Eastgate Seniors Project Mortgage Revenue Bonds Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective May 9, 1985 (D.C. Law 6-4; D.C., Official Code § 42-2702.07(b)) ("Housing Finance Agency Act"), the Council approves the proposal by the District of Columbia Housing Finance Agency ("HFA") for the issuance of multi-family housing revenue bonds in an amount not to exceed \$7.2 million to provide new construction financing to build the Eastgate Seniors project, which financing has been determined by the HFA, through enactment of an eligibility resolution dated May 17, 2005 to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Fiscal impact statement.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-246

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To confirm the appointment of Mr. Max J. Brown to the Washington Convention Center Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Authority Board of Directors Max J. Brown Confirmation Resolution of 2005".

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

Mr. Max J. Brown
3208 Q Street, N.W.
Washington, D.C. 20007
(Ward 2)

as a public member of the Washington Convention Center Authority Board of Directors, established by section 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05) for a term to end May 16, 2009.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-247

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to authorize the use of reserve funds and funds identified in the 2004 Comprehensive Annual Financial Report as available general fund surplus.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Reserve Funds and Fund Balance Allocation Emergency Declaration Resolution of 2005".

Sec. 2. Section 331(3) of the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. 108-335; 118 Stat. 1345), and section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), require the Council to pass legislation prior to the use of the District of Columbia's general fund surplus or reserve funds. The amount of \$52.85 million is needed from the District's available reserve and fund balance to meet pressing needs and priorities 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 Omnibus Reserve Funds and Fund Balance Allocation Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to approve measures that are necessary to support action taken on the District's Fiscal Year 2006 proposed budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2006 Budget Support Emergency Declaration Resolution of 2005".

Sec. 2. (a) On May 10, 2005, the Council adopted the Fiscal Year 2006 Budget Request Act (Enrolled version of Bill 16-197).

(b) On July 6, 2005, the Council passed on second reading the Fiscal Year 2006 Budget Support Act of 2005 (Enrolled version of Bill 16-200), which contains programmatic changes needed to implement the Fiscal Year 2006 Budget and Financial Plan.

(c) There are time sensitive provisions that need to be implemented immediately and other provisions that need to be implemented on October 1, 2005.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2006 Budget Support Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To declare the existence of an emergency with respect to the need to approve the proposed salary schedule for uniformed members of the Metropolitan Police Department at the rank of Class 3 within Compensation Unit # 3.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Correction for Employees in Class 3, Compensation Unit # 3 Emergency Declaration Resolution of 2005".

Sec 2. (a) In the Police Compensation Approval Resolution of 2005, effective June 7, 2005 (Res. 16-160, 52 DCR 5871) ("Res. 16-160"), the Council provided all members of the Metropolitan Police Department with a retroactive 4% base salary increase effective the 1st pay period on or after October 1, 2003, a retroactive 2% base salary increase effective the 1st pay period on or after October 1, 2004, a 2% base salary increase effective the 1st pay period on or after April 1, 2005, a 4% base salary increase effective the 1st pay period on or after October 1, 2005, a 4% base salary increase effective the 1st pay period on or after October 1, 2006, and a 5% base salary increase effective the 1st pay period on or after October 1, 2007.

(b) The salary schedules approved by the Council in Res. 16-160 for Metropolitan Police Department members at the rank of Class 3 within Compensation Unit # 3 were inadvertently calculated in excess of the percentage increases negotiated as part of the collective bargaining agreement.

(c) New salary schedules have been developed that accurately reflect the pay increases for these members negotiated in the collective bargaining process.

Sec 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Compensation Correction for Employees in Class 3, Compensation Unit # 3 Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 2005

To approve, on an emergency basis, the salary schedule submitted by the Mayor for employees at the rank of Class 3 within Compensation Unit #3.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Correction for Employees in Class 3, Compensation Unit # 3 Emergency Approval Resolution of 2005".

Sec 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the salary schedules for members at the rank of Class 3 within Compensation Unit #3 as follows:

Police Service with 4% increase - Fiscal Year 2004
Effective Date of Schedule: October 5, 2003

Union
Classes: 0, 1, 3 and 4
CBU/Service Codes: KAA D01, KAA D11

DISTRICT OF COLUMBIA REGISTER

	Steps							
	1	2	3	4	5	6	7	8
Class 3- Detective								
Base Annual Salary April 8, 2003								
Base Pay with 4% Increase as of October 5, 2003 = Base Pay #1								
Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$53,700	\$56,387	\$59,205	\$62,167	\$65,276	\$68,540	\$71,969	
Base Retention Differential 20 or more yrs: Pay #2 + 5% = Pay #4	\$56,385	\$59,206	\$62,166	\$65,276	\$68,540	\$71,967	\$75,567	
5% Longevity- 5% of Step 1 of Base pay	\$2,685							
10% longevity- 10% of Step 1 Base Retention Differential	\$5,639							
15% Longevity- 15% of Step 1 Base Retention Differential	\$8,458							
20% Longevity- 20% of Step 1 Base Retention Differential	\$11,277							

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ENROLLED ORIGINAL

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Police Service with 2% increase - Fiscal Year 2005
 Effective Date of Schedule: October 3, 2004
 Union
 Classes: 0, 1, 3 and 4
 CBU/Service Codes: KAA D01, KAA D11

Steps	1	2	3	4	5	6	7	8
Class 3 - Detective								
Base Annual Salary October 5, 2003	\$57,515	\$60,389	\$63,411	\$66,581	\$69,910	\$73,407	\$77,079	
Base Pay with 2% Increase as of October 3, 2004 = Base Pay #1	\$58,765	\$61,797	\$65,072	\$68,493	\$72,107	\$75,911	\$80,008	
Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$57,774	\$60,389	\$63,411	\$66,581	\$69,910	\$73,407	\$77,079	
Base Retention Differential 20 or more yrs: Pay #2 + 5% = Pay #4	\$57,513	\$60,390	\$63,409	\$66,581	\$69,910	\$73,407	\$77,079	
5% Longevity- 5% of Step 1 of Base pay	\$2,739							
10% Longevity- 10% of Step 1 Base Retention Differential	\$5,751							
15% Longevity- 15% of Step 1 Base Retention Differential	\$8,627							
20% Longevity- 20% of Step 1 Base Retention Differential	\$11,503							

Police Service with 2% Increase - Fiscal Year 2005
Effective Date of Schedule: April 3, 2005

Union
Classes: 0, 1, 3 and 4
CBU/Service Codes: KAA D01, KAA D11

DISTRICT OF COLUMBIA REGISTER

		Steps							
		1	2	3	4	5	6	7	8
Class 3- Detective	Base Annual Salary October 3, 2004								
	Base Pay with 2% Increase as of April 3, 2005 = Base Pay #1								
	Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$55,870	\$58,665	\$61,597	\$64,679	\$67,913	\$71,309	\$74,876	
	Base Retention Differential 20 or more yrs: Pay #2 + 5% = Pay #4	\$58,663	\$61,598	\$64,677	\$67,913	\$71,309	\$74,875	\$78,620	
	5% Longevity- 5% of Step 1 of Base pay	\$2,793							
	10% Longevity- 10% of Step 1 Base Retention Differential	\$5,866							
	15% Longevity- 15% of Step 1 Base Retention Differential	\$8,800							
	20% Longevity- 20% of Step 1 Base Retention Differential	\$11,733							

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ENROLLED ORIGINAL

Police Service with 4% increase - Fiscal Year 2005
Effective Date of Schedule: October 2, 2005

Union
Classes: 0, 1, 3 and 4
CBU/Service Codes: KAA D01, KAA D11

DISTRICT OF COLUMBIA REGISTER

	Steps							
	1	2	3	4	5	6	7	8
Class 3- Detective								
Base Annual Salary April 3, 2005								
Base Pay with 4% Increase as of October 2, 2005 = Base Pay #1								
Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$58,105	\$61,011	\$64,061	\$67,266	\$70,630	\$74,162	\$77,871	
Base Retention Differential 20 or more yrs: Pay #2 + 5% = Pay #4	\$61,010	\$64,062	\$67,264	\$70,629	\$74,161	\$77,870	\$81,765	
5% Longevity- 5% of Step 1 of Base pay	\$2,905							
10% Longevity- 10% of Step 1 Base Retention Differential	\$6,101							
15% Longevity- 15% of Step 1 Base Retention Differential	\$9,151							
20% Longevity- 20% of Step 1 Base Retention Differential	\$12,202							

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ENROLLED ORIGINAL

Police Service with 4% Increase - Fiscal Year 2006
 Effective Date of Schedule: October 1, 2006

Union

Classes: 0, 1, 3 and 4
 CBU/Service Codes: KAA D01, KAA D11

Steps		1	2	3	4	5	6	7	8
Class 3 - Detective									
Base Annual Salary October 2, 2005									
Base Pay with 4% Increase as of October 1, 2006 = Base Pay #1									
Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2		\$60,429	\$63,452	\$66,624	\$69,957	\$73,455	\$77,128	\$80,986	
Base Retention Differential 20 or more yrs: Pay #2 + 5% = Pay #4		\$63,450	\$66,625	\$69,955	\$73,454	\$77,127	\$80,985	\$85,036	
5% Longevity- 5% of Step 1 of Base pay		\$3,021							
10% Longevity- 10% of Step 1 Base Retention Differential		\$6,345							
15% Longevity- 15% of Step 1 Base Retention Differential		\$9,518							
20% Longevity- 20% of Step 1 Base Retention Differential		\$12,690							

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Police Service with 5% Increase - Fiscal Year 2007
Effective Date of Schedule: October 14, 2007

Union
Classes: 0, 1, 3 and 4
CBU/Service Codes: KAA D01, KAA D11

DISTRICT OF COLUMBIA REGISTER

	Steps							
	1	2	3	4	5	6	7	8
Class 3- Detective								
Base Annual Salary October 1, 2006								
Base Pay with 4% Increase as of October 14, 2007 = Base Pay #1								
Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$63,450	\$66,625	\$69,955	\$73,454	\$77,127	\$80,985	\$85,036	
Base Retention Differential 20 or more yrs: Pay #2 + 5% = Pay #4	\$66,623	\$69,956	\$73,452	\$77,127	\$80,984	\$85,034	\$89,287	
5% Longevity- 5% of Step 1 of Base pay	\$3,173							
10% Longevity- 10% of Step 1 Base Retention Differential	\$6,662							
15% Longevity- 15% of Step 1 Base Retention Differential	\$9,993							
20% Longevity- 20% of Step 1 Base Retention Differential	\$13,325							

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ENROLLED ORIGINAL

Sec 3. The compensation system changes approved in section 2 shall replace the salary schedules provided for members at the rank of Class 3 within Compensation Unit #3 in the Police Compensation Approval Resolution of 2005, effective June 7, 2005 (Res. 16-160; 52 DCR 5871), and shall be effective retroactively to the first pay period beginning on or after October 1, 2003.

Sec 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Police Compensation Approval Resolution of 2005, effective June 7, 2005 (Res. 16-160; 52 DCR 5871), 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. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, each to the Mayor and to the Fraternal Order of Police MPD Labor Committee.

Sec 6. This resolution shall take effect immediately.