

RE-ENROLLED ORIGINAL

A RESOLUTION

16-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2005

To confirm the appointment of Ms. Carolyn A. Williams to the Board of Respiratory Care.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Respiratory Care Carolyn A. Williams Confirmation Resolution of 2005".

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

Ms. Carolyn A. Williams
4429 7th Street, N.E.
Washington, D.C. 20017-2208
(Ward 5)

as a respiratory therapist member of the Board of Respiratory Care, established by section 214 of the District of Columbia Health Occupations Revision Act of 1985, effective March 14, 1995 (D.C. Law 10-203; D.C. Official Code § 3-1202.14), replacing Susan D. Lockwood, whose term ended July 17, 2005, for a term to end July 17, 2008.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2005

To confirm the reappointment of Dr. Larry G. Brown to the Board of Chiropractic.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Chiropractic Larry G. Brown Confirmation Resolution of 2005".

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

Dr. Larry G. Brown
3930 Argyle Terrace, N.W.
Washington, D.C. 20011
(Ward 4)

as a chiropractor member of the Board of Chiropractic, established by section 216 of the District of Columbia Health Occupations Revision Act of 1985, effective March 21, 1995 (D.C. Law 10-231; D.C. Official Code § 3-1202.16), for a term to end October 23, 2007.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Ms. Ruthanne G. Miller to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Zoning Adjustment Ruthanne G. Miller Confirmation Resolution of 2005".

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

Ms. Ruthanne G. Miller
3305 35th Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), for a term to end September 30, 2008.

Sec. 3. The Secretary to 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

16-405

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Ms. Elisabeth L. Olds to the Domestic Violence Fatality Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Fatality Review Board Elisabeth L. Olds Confirmation Resolution of 2005".

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

Ms. Elisabeth L. Olds
1741 S Street, N.W., Apt. B1
Washington, D.C. 20009
(Ward 2)

as a community representative member of the Domestic Violence Fatality Review Board, established by D.C. Official Code § 16-1052, completing the unexpired term of Margaret Anna Hacskeylo, which will end July 20, 2007.

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.

ENROLLED ORIGINAL

A RESOLUTION

16-406

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Dr. Lauren B. Cattaneo to the Domestic Violence Fatality Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Fatality Review Board Lauren B. Cattaneo Confirmation Resolution of 2005".

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

Dr. Lauren B. Cattaneo, Ph.D.
15 4th Street, S.E.
Washington, D.C. 20003
(Ward 6)

as a community representative member of the Domestic Violence Fatality Review Board, established by D.C. Official Code § 16-1052, completing the unexpired term of Sharlene Joy Kranz, which will end July 20, 2007.

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.

ENROLLED ORIGINAL

A RESOLUTION

16-407

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Mr. Kurt Vorndran to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Kurt Vorndran Confirmation Resolution of 2005".

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

Mr. Kurt Vorndran
2501 Calvert Street, N.W.
Washington, D.C. 20008
(Ward 3)

as a member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), replacing Maria Cristina Fernandez, whose term ended January 12, 2005, for a term to end January 12, 2008.

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

16-408

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Mr. Karl Maurice Fraser to the Police Complaints Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Police Complaints Board Karl Maurice Fraser Confirmation Resolution of 2005".

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

Mr. Karl Maurice Fraser
4 O Street, S.W.
Washington, D.C. 20024
(Ward 6)

as a member of the Police Complaints Board, established by section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), replacing Michael A. Sainte-Andress, whose term ended January 12, 2005, for a term to end January 12, 2008.

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

16-409

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Mr. Verle B. Hammond to the Board of Trustees of the University of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Trustees of the University of the District of Columbia Verle B. Hammond Confirmation Resolution of 2005".

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

Mr. Verle B. Hammond
8324 Woodlea Mill Road
McLean, Virginia 22102

as a member of the Board of Trustees of the University of the District of Columbia, established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), replacing Peter D. Rosenstein, whose term ended May 15, 2005, for a term to end May 15, 2010.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-410

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Ms. Iris McCollum Green to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Employee Relations Board Iris McCollum Green Confirmation Resolution of 2005".

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

Ms. Iris McCollum Green
1714 15th Street, N.W.
Washington, D.C. 20009
(Ward 2)

as a member of the Public Employee Relations Board, in accordance with section 501(c) 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 § 1-605.01(c)), for a term to end December 12, 2007.

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

16-411

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Mr. Pierpont M. Mobley to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Pierpont M. Mobley Confirmation Resolution of 2005".

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

Mr. Pierpont M. Mobley
3725 17th Street, N.E.
Washington, D.C. 20018
(Ward 5)

as a member of the District of Columbia Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2007.

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

16-412

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Mr. Mario Acosta-Velez to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Mario Acosta-Velez Confirmation Resolution of 2005".

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

Mr. Mario Acosta-Velez
1500 Massachusetts Avenue, N.W., Apt. #654
Washington, D.C. 20016
(Ward 2)

as a member of the District of Columbia Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2007.

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

16-413

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Ms. Christine M. Warnke to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Christine M. Warnke Confirmation Resolution of 2005".

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

Ms. Christine M. Warnke
3101 New Mexico Avenue, N.W., Apt. #219
Washington, D.C. 20016
(Ward 3)

as a member of the District of Columbia Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2007.

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.

ENROLLED ORIGINAL

A RESOLUTION

16-414

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Mr. Richard A. Tagle to the District of Columbia Commission on Human Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commission on Human Rights Richard A. Tagle Confirmation Resolution of 2005".

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

Mr. Richard A. Tagle
1621 T Street, N.W., Apt. #806
Washington, D.C. 20009
(Ward 2)

as a member of the District of Columbia Commission on Human Rights, established by section 401 of the Human Rights Act of 1977, effective December 7, 2004 (D.C. Law 15-216; D.C. Official Code § 2-1404.01), and in accordance with section 2(e)(8) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(8)), for a term to end December 31, 2007.

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.

ENROLLED ORIGINAL

A RESOLUTION

16-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Ms. Charlene D. Cooke to the Apprenticeship Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Apprenticeship Council Charlene D. Cooke Confirmation Resolution of 2005".

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

Ms. Charlene D. Cooke
2300 Good Hope Road, S.E., Apt. #928
Washington, D.C. 20020
(Ward 7)

as a member, representing an employee organization, to the Apprenticeship Council, established by section 2 of An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1402), for a term to end November 19, 2007.

Sec. 3. The Secretary to 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.

ENROLLED ORIGINAL

A RESOLUTION

16-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the reappointment of Ms. Carrie W. McHenry to the Apprenticeship Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Apprenticeship Council Carrie W. McHenry Confirmation Resolution of 2005".

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

Ms. Carrie W. McHenry
5929 16th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member, representing an employer organization, to the Apprenticeship Council, established by section 2 of An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1402), for a term to end November 19, 2007.

Sec. 3. The Secretary to 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

16-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To confirm the appointment of Mr. Fred L. Valentine to the Apprenticeship Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Apprenticeship Council Fred L. Valentine Confirmation Resolution of 2005".

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

Mr. Fred L. Valentine
4838 Blagden Avenue, N.W.
Washington, D.C. 20011
(Ward 4)

as a member, representing an employer organization, to the Apprenticeship Council, established by section 2 of An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1402), for a term to end November 19, 2006.

Sec. 3. The Secretary to 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.

ENROLLED ORIGINAL

A RESOLUTION

16-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to prohibit large shipments of certain extremely hazardous materials near the United States Capitol in order to reduce the risk of attacks by terrorists, to allow for the issuance of permits authorizing such shipments in special cases, and to require the Mayor to issue regulations implementing the restrictions on the transportation of hazardous materials.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Second Terrorism Prevention in Hazardous Materials Transportation Emergency Declaration Resolution of 2005".

Sec. 2. (a) A terrorist attack on a large-quantity hazardous material shipment near the United States Capitol ("Capitol") could create a deadly toxic cloud extending 14 miles, kill as many as 100,000 people within 30 minutes, injure hundreds of thousands of people, and result in billions of dollars in economic damages. In October 2002, the Federal Bureau of Investigation reported that terrorists are specifically interested in targeting hazardous material containers in attacks on rail cars on United States soil.

(b) The terrorism threat facing District of Columbia residents and workers in the vicinity of the Capitol requires an urgent response that recognizes and addresses the unique status of this area as the nerve center of American political life, and the terrorism risk that results from this status. In the recent past, only the New York metropolitan area has been subject to a similar level of terror attacks and terror alerts as the Washington, D.C., metropolitan area.

(c) While the federal government has occupied the field of en route security and routing in the aviation context, it has not addressed the subject of rail car routing for security purposes. Moreover, the federal government has not acted to address the terrorist threat resulting from the transportation of ultra-hazardous materials within 2 miles of the Capitol, the White House, and the United States Supreme Court, unique terrorist targets.

(d) Ultra-hazardous materials shippers do not need to route large quantities of ultra-hazardous chemicals near the Capitol in order to ship these chemicals to their destinations, and alternative routes would substantially decrease the aggregate risk posed by terrorist attacks.

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(e) Regulating the shipments of ultra-hazardous materials from an exclusion zone encompassing parts of the District of Columbia within 2.2 miles of the Capitol would impose no significant burden on interstate commerce. The ultra-hazardous materials to be regulated are carried by only a small subset of the hazardous material rail shipments that pass through the District of Columbia.

(f) The original emergency act regarding this matter, D.C. Act 16-0043, expired on May 16, 2005. The temporary legislation which was enacted regarding this matter, D.C. Law 16-0002, will expire on December 25, 2005, and the corresponding permanent legislation will receive first reading on December 6, 2005.

(g) It is important to enact emergency legislation so that the law regarding the regulation of the transportation of hazardous materials through the District will remain in effect without interruption until the permanent legislation is in effect.

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 Second Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act, 1925 to accommodate a new federal tax exemption associated with the purchase of low-emissions motor vehicles.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Low-Emissions Motor Vehicle Tax Exemption Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to amend existing provisions that provide tax and registration fee incentives to purchasers of low-emissions vehicles. The provisions were recently established by the Department of Motor Vehicles Reform Amendment Act of 2004, effective April 8, 2005 (D.C. Law 15-307; D.C. Official Code § 50-1331.01 *passim*), which relied upon federal tax deductions and credits to establish eligibility for the District's incentives.

(b) Recent federal legislation, The Energy Policy Act of 2005, repealed these federal provisions, replacing them with new incentives, effective January 1, 2006.

(c) Emergency legislation is therefore necessary to make the District of Columbia incentives continue past the January 1, 2006, expiration date to guarantee that purchasers, who may have planned their purchases around these provisions, receive the incentives they anticipated.

(d) These incentives remain necessary to stimulate the purchase of energy efficient, low-emissions motor vehicles in the face of current fuel shortages and the District's poor air quality.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Low-Emissions Motor Vehicle Emergency Act of 2005 be adopted after a single reading.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

16-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to establish a Contracting and Procurement Reform Task Force to improve the District's contracting and procurement laws and regulations by reviewing the District's procurement and ethics provisions and best practices nationally, and recommending improvements to the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contracting and Procurement Reform Task Force Establishment Emergency Declaration Resolution of 2005"

Sec. 2. (a) There exists an emergency regarding the need to institute procurement guidelines which will help to ensure the integrity of the District's contracting and procurement practices.

(b) Over a period of numerous years, there have been consistent problems regarding the administration of the Office of Contracting and Procurement that has resulted in the waste of government funds and the decay of the public trust in the District's contracting and procurement process.

(c) Sole source awards, emergency procurements, no-bid contracts, and direct voucher submissions for services and goods that were awarded on a sole source basis continue to be ongoing problems with the District's contracting and procurement procedures.

(d) The District engages in "emergency" contracting procedures due solely to its own internal delays, indecision and lack of communication spanning months during which the need for the services was consistently known.

(e) After numerous audit reports and internal reviews have been conducted, identified issues continue to persist.

(f) The requirement of competition and of seeking the highest number of potential bidders is necessary to ensure that the District receives as many options as possible and can negotiate in its own best interest.

(g) More strict competition and emergency procurement rules are needed to ensure that the District government follows the spirit as well as the letter of the law in awarding contracts.

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(h) The establishment of a Task Force of qualified experts in the area of contracting and procurement is necessary to bring about the needed reforms.

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 Contracting and Procurement Reform Task Force Establishment Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-421

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to approve a contract by the District of Columbia Sports and Entertainment Commission for post-event cleaning services for RFK Memorial Stadium 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 "Knight Facilities Management Contract Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the contract between Knight Facilities Management ("Knight FM") and the District of Columbia Sports and Entertainment Commission ("DCSEC") for post-event cleaning services at Robert F. Kennedy Memorial Stadium ("RFK Stadium") and to authorize payment for services received and to be received under that contract.

(b) On April 22, 2005, DCSEC entered into a contract with Knight FM after terminating a previous contractor that failed to clean RFK Stadium to a standard that satisfied DCSEC and its major new tenant, the Washington Nationals.

(c) At the time DCSEC awarded the contract to Knight FM there was a cleaning requirement for 81 Major League Baseball games and 18 Major League Soccer games.

(d) There were several issues to be resolved prior to the award of a final contract and it took longer than expected to resolve those issues.

(e) There was an ongoing need to retain Knight FM to provide cleaning services to support the 2005 playing schedules of the Washington Nationals and D.C. United, DCSEC's 2 major tenants.

(f) In order to satisfy its 50% small, local, and disadvantaged business enterprise ("SLDBE") participation requirements, Knight FM subcontracted with a number of SLDBE's that have not been paid due to DCSEC's inability to pay Knight.

(g) Approval is necessary to allow payment to Knight FM for these services and its SLDBE subcontractors that are in need of these funds to maintain their businesses.

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(h) The amount of the contract is \$1.8 million and that has already been appropriated to be spent and thus the contract approval is all that remains to be approved.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Knight Facilities Management Contract 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

16-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to delay the transfer of the adjudicatory functions for cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs to the Office of Administrative Hearings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Second Office of Administrative Hearings Rental Housing Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an emergency regarding the transfer to the Office of Administrative Hearings ("OAH") of the adjudicatory functions for cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs.

(b) The Committee on the Judiciary held a public oversight hearing on the OAH on July 1, 2005, at which the Chief Administrative Law Judge of the OAH requested that the Council delay the transfer of adjudicatory functions from the Rent Administrator to the OAH.

(c) The Chief Administrative Law Judge testified that the OAH's growing volume of cases, lack of permanent and consolidated office space, and the recent hiring of 12 new judges who need to be trained, made it necessary to delay the transfer in order to permit OAH time to reduce its caseload, secure permanent and consolidated office space, and properly train judicial and other staff in the handling of Rent Administrator cases.

(d) The emergency legislation will delay transfer of all adjudicated cases under the jurisdiction of the Rent Administrator until October 1, 2006.

(e) The emergency would also clarify that administrative appeals of OAH orders adjudicated under the recently amended Rental Housing Conversion and Sale Act of 1980 cannot be taken to the Rental Housing Commission.

(f) The emergency legislation will also change the reappointment terms of Administrative Law Judges hired after December 6, 2005. OAH is scheduled to hire 2 more Administrative Law Judges within the next 3 months and this legislation will ensure that all newly hired judges will

be eligible for a reappointment term of 6 years.

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 Second Office of Administrative Hearings Rental Housing Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to provide for tax exemptions for the DC-USA development project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC-USA Economic Development Emergency Declaration Resolution of 2005".

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

(1) The DC-USA Project is a multi-use retail and parking garage project proposed to be located in Square 2674, Lots 719, 720, 812, 832, 863, 866, 869, 870, 871, and 872 and the portions of the public alley system in Square 2674 that reverted to Lots 719, 720, 863, 870 and 872 pursuant to D.C. Law 15-254 and the Plat of Alley Closing filed with the Surveyor of the District in Book 199, Page 88, and to consist of approximately 487,000 square foot of retail space, including approximately 180,000 square feet of retail space to be owned and operated as a department store by Target Corporation; a below-grade garage for approximately 1,000 cars that will be owned by the National Capital Revitalization Corporation; and other ancillary improvements.

(2) The DC-USA Project will provide the District with substantial economic, cultural, social and financial benefits, including much needed retail facilities to an area that has historically been underserved by such uses.

(3) Furthermore, the DC-USA Project will generate a number of new jobs for the community, both in terms of construction and operation of the retail project, and will support the a creation of entry level jobs and increased employment opportunities for District residents.

(4) It is desirable and in the public interest to provide tax and other economic incentives to encourage the DC-USA Project, which will produce substantial public benefits to the District.

(5) Without emergency action taken, the Council may lose this important opportunity to encourage this important multi-use retail redevelopment project in the District.

(6) Emergency action is needed to avoid jeopardizing the important public and

private financing initiatives for the DC-USA Project, including private financing which is scheduled for closing on or about December 20, 2005, and to avoid the imposition of certain real estate and gross sales taxes related to financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installation, development, construction, equipping, furnishing, and operation of the parking garage portion of the DC-USA Project, including sales and rental of tangible personal property to be incorporated in or consumed in the course of the same.

(7) The real property involved is presently exempted from taxation and is undeveloped. This Council action is an extremely technical measure to provide that taxes are not imposed on a transaction and financing structure that will fix the price of the parking garage and removes construction risk, including cost over-runs, from the National Capital Revitalization Corporation.

(8) The Council has previously passed similar emergency, temporary and permanent legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the DC-USA Economic Development Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to prevent the misuse of section 501(f) of the Rental Housing Act of 1985 to permanently dispossess tenants of rental housing, to diminish the stock of affordable housing, and to deprive tenants of their rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may cited as the "Tenant Evictions Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate crisis regarding the escalation in the misuse of section 501(f) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(f)), to dispossess tenants of rental housing and thus diminish the stock of affordable housing. Section 501(f) was intended by the Council (1) to provide for the temporary relocation of tenants while alterations and renovations are made to the rental unit which cannot safely be made while the rental unit is occupied; (2) to guarantee that the tenant has the "absolute right" to rerent the rental unit upon completion of the alterations and renovations; (3) to guarantee that the tenant has the right to rerent the rental unit at the same rate if the alterations and renovations are necessary to bring the rental unit into substantial compliance with the housing regulations; and (4) to provide the tenant with such notice of rights so as to enable the tenant to meaningfully exercise those rights. In each of these foregoing respects, there is a growing pattern of misuse of section 501(f) that violates the letter and the spirit of relevant statutory and regulatory requirements.

(b)(1) On November 10, 2005 and November 21, 2005, the Committee on Consumer and Regulatory Affairs ("Committee") held a public roundtable on "vacating buildings for rehabilitation, tenant opportunity to purchase and other issues at specific rental properties." The roundtable brought to light information and concerns about the misuse of section 501(f) by housing providers in the subject rental properties – 1840 and 1846 Vernon Street, N.W., 1433 T Street, N.W., and 201 -213 16th Street, N.E. – and in other similarly situated rental properties. But for the Committee's scrutiny and intervention, these buildings might well have been cleared, in whole or in part, of low and moderate-income tenants in order to be converted into market-rate apartments. The section 501(f) justification for this action appears to be largely pretext.

(2) Most of these tenants are workers or retirees of limited means who have few housing alternatives. Many are immigrants – in one building the majority are Bangladeshi or Latino, many of whom have difficulty speaking or understanding English. Many are elderly who have resided in their apartments for decades and have nowhere else to go. Many are parents of children who would have been uprooted in the middle of a school year had the section 501(f) approval not been rescinded. As the rapid formation of tenant associations indicates, the vast majority of these tenants want to stay in their homes.

(3) Moreover, the timing of the section 501(f) applications, coinciding with the housing provider partnering with a real estate developer advertising its specialization in “commercial and luxury residential” properties, is suspect. In some instances, tenants’ requests for basic repairs went unattended for years prior to this partnership with a developer. At least one tenant was assured upon moving into the building that there was no lead problem, only a month later to be given a section 501(f) notice to vacate on the premise that lead and asbestos abatement is necessary and can not safely be made while the unit is occupied.

(c) From the testimony, the Committee has determined that in these instances, there appears to have been a clear attempt by the housing provider to permanently empty the building of the tenants without first apprising them of their rights. Some tenants were given a copy for signature of a document purporting to be a “Notice to Vacate.” The “Notice to Vacate” offered the tenant \$500 in “relocation assistance” upon vacating the rental unit and an additional \$500 when the building was cleared of tenants. It characterized this assistance as “in consideration of this Notice to Vacate” rather than as a statutory right. It failed to inform the tenant of the right to relocation assistance, the “absolute right” to rerent the rental unit, and the right to rerent the rental unit at the same rate if the alterations and renovations are necessary to bring the rental unit into compliance with housing regulations.

(d) The evidence also shows that the section 501(f) application approval process for the subject properties and others were casual at best. In several instances, the Rent Administrator approved the applications within 48 hours after they had been filed. Moreover, for at least 3 of the 4 buildings at the subject properties, the lead and asbestos study upon which approval was granted was done not at the subject property, but at a property in Leesburg, Virginia.

(e) This misuse of section 501(f) may have increased since the Council’s action earlier this year to end the practice of partial sales by rental property owners to avoid triggering the tenant opportunity to purchase under the Rental Housing Conversion and Sale Act. The Committee has determined that the number of buildings for which the housing provider has sought evictions under section 501(f) has risen from 5 in 2003 and 3 in 2004 to at least 13 in 2005. The number of impacted units has increased from 34 in 2004 to at least 443 in 2005.

(f) The Committee has determined that certain ambiguities in the existing section 501(f) contribute to its misuse. These ambiguities include the following:

(1) While it is clear that a valid Notice to Vacate must notify the tenant of the right to relocation assistance, it may not be sufficiently clear that the Notice to Vacate should

notify the tenant of the "absolute right" to rerent the rental unit and the right to rerent the rental unit at the same rate if the alterations and renovations are necessary to bring the rental unit into compliance with the housing code.

(2) While it is clear that the Rent Administrator must approve an application for authorization to issue a notice to vacate under section 501(f), it may not be sufficiently clear that the Rent Administrator should approve the Notice to Vacate or should rescind a Notice to Vacate that fails to comply with statutory and regulatory requirements, or one that the housing provider claims is ancillary to or independent of the section 501(f) application. Nor may it be sufficiently clear that the tenant should be afforded the opportunity to review the housing provider's application prior to approval.

(3) Moreover, there is no mechanism to ensure that the housing provider must complete or even begin the alterations and renovations in a timely fashion. Nor is there any mechanism to provide meaningful protection of the tenant's rights under the section 501(f) to relocation assistance, to return to the rental unit upon completion of the alterations and renovations, and to rerent the rental unit at the same rate if the alterations and renovations are necessary to bring the rental unit into substantial compliance with the housing regulations. Nor is the tenant afforded the right to the housing provider's assistance in finding a temporary residence while the alterations and renovations are being made, even if the housing provider's apartment portfolio includes vacant comparable units.

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 Tenant Evictions Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to de-couple District of Columbia law from depreciation and expense election provisions added to the Internal Revenue Code of 1986 by the Jobs and Growth Tax Relief Reconciliation Act of 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Emergency Declaration Resolution of 2005".

Sec. 2. (a) The federal Jobs and Growth Tax Relief Reconciliation Act of 2003 increased the amount a small business can deduct for property acquired in the current year from \$25,000 to \$100,000.

(b) At the Committee on Finance and Revenue's January 29th public roundtable on the permanent version of this legislation, the Office of Tax and Revenue testified that "though intended as a business incentive, the new depreciation tax breaks threatened to cost states large amounts of revenue."

(c) In response, the Office of Tax and Revenue further testified that "many states, including Virginia and Maryland, moved quickly to "de-couple" from the federal code – in effect, disallowing the depreciation provisions" and "in the absence of the proposed legislation, there would be a potential loss of \$2.46 million in FY 2004 and \$9.29 million in FY 2004 through FY 2007."

(d) Since this tax policy at the federal level impacts the District's tax policy in tax year 2005, the underlying emergency legislation is warranted.

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 Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 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 revenue bonds in an amount not to exceed \$12 million in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Society of Neuroscience 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 "Society for Neuroscience Revenue Bonds Project Emergency Declaration Resolution of 2005".

Sec. 2. Emergency circumstances.

(a) The Society for Neuroscience is a nonprofit corporation organized under the laws of the District of Columbia which seeks to have District of Columbia revenue bonds issue and to receive a loan of the proceeds for the financing and refinancing of all the costs incurred in connection with:

(A) The financing, refinancing or reimbursing of the Society for Neuroscience for:

(i) Certain costs incurred in connection with the acquisition, construction and renovation of the Society for Neuroscience's new headquarters facility at 1121 14th Street, N.W., Washington, D.C. (Square 247, Lot 101);

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

(iii) Certain expenditures associated with the costs of construction period interest;

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

(C) Paying certain real estate, finance and costs of issuance, and fees and premiums for any bond insurance, credit enhancement, and other related costs.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Society for Neuroscience for costs of the project.

(c) The bank issuing the letter of credit is requiring that this tax-exempt transaction be completed before the end of January 2006.

(d) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile. In order for Society for Neuroscience to maximize interest savings on the District of Columbia revenue bonds, the issuance needs to occur prior to the next scheduled Council meeting. Council approval of the bond resolution authorizing the issuance of up to \$12 million of District of Columbia revenue bonds would permit bonds to be issued promptly to provide maximum savings for the Society for Neuroscience.

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 Society for Neuroscience Revenue Bond Project Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate amount not to exceed \$12 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist Society for Neuroscience 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 "Society for Neuroscience Revenue Bonds Project Emergency Approval Resolution of 2005".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds which shall be Society for Neuroscience, a nonprofit corporation 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 the financing, refinancing, or reimbursing of certain costs to pay for:

(A) The financing or refinancing of up to \$12 million in costs incurred in connection with the following:

(i) A portion of the costs of the acquisition, construction, and development of the borrower's future headquarters facility to be located at 1121 14th Street, N.W., Washington, D.C., consisting of approximately 84,000 square feet;

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

(iii) Certain expenditures associated with the costs of construction period interest;

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

(C) The paying of 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.

(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 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 development and application of 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 \$12 million; and

(2) The making of the loan.

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

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

Sec. 5. Bond details.

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

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

- (2) The principal amount of the bonds to be issued and denominations of the bonds;
 - (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
 - (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;
 - (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
 - (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
 - (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
 - (8) The time and place of payment of the bonds;
 - (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
 - (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 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.

(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

ENROLLED ORIGINAL

covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the

project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. Neither the borrower, any purchaser of the bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

16-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. DCLB-RFP-04-02 for the provision of advertising campaigns and promotional products and services for the D.C. Lottery.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCLB-RFP-04-02 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCLB-RFP-04-02 for the provision of advertising campaigns and promotional products and services for the D.C. Lottery.

(b) On March 18, 2003, the D.C. Lottery issued RFP No. DCLB-RFP-03-05 for media and public information services in the LSDBE set-aside market. Nine proposals were received on April 17, 2003 with the intent to make multiple awards. On April 19, 2004, the Council approved 2 contracts for award. On April 23, 2004, the award was made to MDB Communications, Inc. The contract was awarded at an estimated amount not to exceed \$2 million per year with a one-year base period and 4 option year provisions. On April 22, 2005, a no-cost award for option year one was exercised. However, prior to the award for option year one, partial funding was added to the contract. Currently, additional funds are required which will increase the contract amount beyond the million dollar threshold which will require Council approval.

(c) Approval is necessary to allow payment for these services. Without this approval, the contractors cannot be paid for services provided in excess of \$1 million dollars.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCLB-RFP-04-02 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. DCLB-RFP-04-03 for the provision of advertising campaigns and promotional products and services for the D.C. Lottery.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCLB-RFP-04-03 Approval and Payment Authorization Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. DCLB-RFP-04-03 for the provision of advertising campaigns and promotional products and services for the D.C. Lottery.

(b) On March 18, 2003, the D.C. Lottery issued RFP No. DCLB-RFP-03-05 for media and public information services in the LSDBE set-aside market. Nine proposals were received on April 17, 2003 with the intent to make multiple awards. On April 19, 2004, the Council approved 2 contracts for award. On April 23, 2004, the award was made to TK World Group, Inc., d/b/a The Ad Store. The contract was awarded at an estimated amount not to exceed \$2 million per year with a one-year base period and 4 option year provisions. On April 22, 2005, a no-cost award for option year one was exercised. However, prior to the award for option year one, partial funding was added to the contract. Currently, additional funds are required which will increase the contract amount beyond the million dollar threshold which will require Council approval.

(c) Approval is necessary to allow payment for these services. Without this approval, the contractors cannot be paid for services provided in excess of \$1 million dollars.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCLB-RFP-04-03 Approval and Payment Authorization Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to waive unpaid estimated tax interest and penalties for payments due before January 1, 2006, and to refund any interest and penalties paid by taxpayers due for the period beginning January 1, 2005 and ending December 31, 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Self-Assessing Taxpayer Fairness in Notice Emergency Declaration Resolution of 2005".

Sec. 2. (a) Self-assessing taxpayers have been required to file quarterly estimated income tax payments for at least 15 years. However, no interest and penalties were ever assessed against individuals prior to tax year 2004.

(b) Estimated tax penalty and interest were modified by the Tax Clarity Act of 2001. The Office of Tax and Revenue ("OTR") tax booklets since have included a section entitled, "How can you avoid penalties and interest," which has explained in detail the steps taxpayers were to take to avoid being assessed penalty and interest because of underestimating their taxes. However, interest and penalties were still not enforced.

(c) OTR posted a press release on its website on November 19, 2003, issuing an early warning to taxpayers that, starting January 1, 2005, OTR would begin automatically assessing a penalty for underpayment of estimated tax by any person, financial institution, or business. The changes would apply to returns filed for tax year 2004. OTR again posted a press release on its website on July 22, 2005 stating it would send out notices to taxpayers who have been automatically charged a penalty for underpayment of their estimated tax. However, many taxpayers do not regularly, if ever, visit the OTR website.

(d) OTR's primary means of informing taxpayers that interest and penalties would be enforced was by printing the phrase "Estimated tax penalty to be enforced (see page 6)" on the front page of the 2004 D-40 Individual Income Tax forms and instructions. Many persons unfamiliar with this legal terminology did not understand that this meant that self-assessing taxpayers would now be subject to interest and penalties if they did not pay estimated taxes

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quarterly.

(e) This confusion resulted in 15,241 bills for interest and penalties being sent out to self-assessing taxpayers in the District of Columbia in August of 2005.

(f) Emergency legislation is necessary to prevent the OTR from collecting any more unpaid interest and penalties from self-assessing taxpayers and to refund prior interest and penalties for tax year 2004.

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 Self-Assessing Taxpayer Fairness in Notice Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with the respect to the need to extend the terms of current members of the Washington Convention Center Authority Advisory Committee until December 31, 2006.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Convention Center Authority Advisory Committee Continuity Second Emergency Declaration Resolution of 2005".

Sec. 2. Emergency circumstances.

(a) The Washington Convention Center Authority began construction of the new convention center in August 1998.

(b) The terms of the appointees of the current Washington Convention Center Authority Advisory Committee ("WCCAAC") expired on December 31, 2004.

(c) The WCCAAC serves as an adviser to the WCCA Board of Directors and has proven to provide good recommendations to the Board over the years.

(d) The WCCAAC maintains a wealth of expertise in the areas of community relations, financial, hotel industry, restaurant affirmative action and union relations.

(e) The WCCAAC has proven to be a necessary entity and mediator on behalf of the Shaw community, the Convention Center, and the District government.

(f) There is a need to maintain the continuity of the WCCAAC.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Washington Convention Center Advisory Committee Continuity Second Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-435

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2005

To declare the existence of an emergency with respect to the need to exempt from taxes land serving as green space and owned by the New Columbia Community Land Trust, located at 22nd and Channing Streets, N.E., in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Columbia Community Land Trust 22nd and Channing Streets, N.E. Tax Exemption Emergency Declaration Resolution of 2005".

Sec. 2. (a) The New Columbia Community Land Trust, a nonprofit community-based land acquisition housing development and community education organization dedicated to the preservation of affordable housing for low-income residents ("NCCLT"), owns property, located in lots 803, 804, 805, 806, 807, and 808 in Square 4110, that has recently been sold at tax sale because of NCCLT's inability to pay taxes on the property at the vacant tax rate of \$5 per \$100 of assessed value.

(b) The land is currently being used as green space for the public benefit of residents of the neighborhood to enjoy. The 22nd and Channing Streets, N.E. neighbors support the preservation of this green space and its use by the residents of the community.

(c) This legislation is necessary to prevent the property from being transferred to the tax sale purchaser.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the New Columbia Community Land Trust 22nd and Channing Streets, N.E. Tax Exemption Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.