

A RESOLUTION

15-715

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To approve the borrowing of funds by the Mayor through the issuance and sale of general obligation bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2005 General Obligation Bond Issuance Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 3302 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 47-335.01), the Council approves the request of the Mayor for the authority to borrow funds for the capital projects listed in section 3 through the issuance and sale of general obligation bonds not to exceed an aggregate principal amount of \$395,913,206 for the payment, on an agency basis, for the costs of acquiring or undertaking capital projects for general governmental and enterprise purposes, plus an amount equal to the costs and expenses of issuing and delivering the bonds, including any capitalized interest, underwriting, rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, and printing costs and expenses.

(b) If the funds allocated to any agency pursuant to the authorization granted by this resolution exceed the amount required by that agency to complete an authorized capital project listed in section 3 for that agency, the excess funds shall be available to finance additional capital projects, that have been, or will be, approved by a prior or subsequent general obligation bond issuance approval resolution.

(c) The capital projects listed in section 3 have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and the District of Columbia Appropriations Act, 2004, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat. 3), and are included within the schedule of capital projects for which the District of Columbia is authorized to incur indebtedness, under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note) ("Bond Act").

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Sec. 3. The amounts to be financed from the borrowing are as follows:

<u>Fund</u>	<u>AG</u>	<u>Project Code</u>	<u>Project Name</u>	<u>IAG</u>	<u>FY 2005 Bond Resolution Amount</u>
Office of the City Administrator					
0300	AE0	CAC	Child Advocacy Center Modernization	AM0	\$3,954,000
AE0 Total					\$3,954,000
Office of Property Management					
0300	AM0	BC1	Facility Condition Assessment	AM0	\$1,500,000
0300	AM0	EA7	Neighborhood Revitalization	AM0	\$1,000,000
0300	AM0	GG6	AM0 - Elevator Pool	AM0	\$1,000,000
0300	AM0	GJ1	Asbestos Abatement Pool	CC0	\$250,000
0300	AM0	GT1	General Improvements	CC0	\$3,000,000
0300	AM0	GT1	OMP Capital General Improvement Project	AM0	\$300,000
0300	AM0	GT6	Install New Revolving Doors at Henry J. Daly	AM0	\$1,068,000
0300	AM0	N14	Government Center	AM0	\$20,300,000
0300	AM0	SB6	CCNV	AM0	\$2,341,000
0300	AM0	SI4	Parcel 38	AM0	\$3,250,000
AM0 Total					\$34,009,000
Office of the Chief Financial Officer					
0300	AT0	BF2	Fin. Con. Systems Improvements	AT0	\$740,000
0300	AT0	CSP	Comp. Sys. Project	AT0	\$1,700,000
AT0 Total					\$2,440,000
Office of Planning					
0300	BD0	PLN	Public Planning Funds	BD0	\$4,000,000
BD0 Total					\$4,000,000
Commission on Arts and Humanities					
0300	BX0	AH7	Public Arts Fund	BX0	\$1,125,000
BX0 Total					\$1,125,000
District of Columbia Office on Aging					
0300	BY0	A05	Senior Center	AM0	\$300,000
0300	BY0	EA1	Ward 1 Senior Wellness Center	Am0	\$500,000
0300	BY0	IT1	Continuity of Operations	TOO	\$475,475
BY0 Total					\$1,275,475
D.C. Public Library					
0300	CE0	LB3	Facility Renovations	CE0	\$996,000
0300	CE0	LB3	Renovations at Mount Pleasant Branch	AM0	\$750,000
CE0 Total					\$1,746,000

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Department of Consumer and Regulatory Affairs

0300	CR0	CO3	Digitization of the Office of the Surveyor Plat	TO0	\$754,000
CR0 Total					\$754,000

Department of Housing and Community Development

0300	DB0	040	Community Development Project	DB0	\$1,600,000
DB0 Total					\$1,600,000

Office of the Deputy Mayor for Planning and Economic Development

0300	EB0	EB3	Neighborhood Revitalize	CR0	\$3,300,000
EB0 Total					\$3,300,000

Metropolitan Police Department

0300	FA0	KE2	MPD Facilities Pool	FA0	\$1,000,000
0300	FA0	KE3	MPD Facilities Pool	FA0	\$2,300,000
0300	FA0	PER	Synchronized Mapping Analysis and Reporting Tool	TO0	\$8,160,000
FA0 Total					\$11,460,000

Fire and Emergency Medical Services Department

0300	FB0	E20	Engine 20	FB0	\$500,000
0300	FB0	LA1	Engine 01	FB0	\$1,349,138
0300	FB0	LA7	E-7/Fleet Maintenance Facility	FB0	\$551,691
0300	FB0	LA9	Engine 09	FB0	\$997,219
0300	FB0	LB1	Engine 10	FB0	\$657,670
0300	FB0	LB6	Engine 15	FB0	\$1,654,001
0300	FB0	LC4	Engine 22	FB0	\$2,898,565
0300	FB0	LD2	Engine 29	FB0	\$1,531,787
0300	FB0	LE3	Engine 5	FB0	\$611,381
0300	FB0	LE5	Engine 14	FB0	\$751,265
0300	FB0	LE7	Engine 27	FB0	\$539,015
0300	FB0	LE8	Class A Burn Building	FB0	\$1,371,103
0300	FB0	LF2	Scheduled Capital Maintenance	FB0	\$750,000
0300	FB0	LF3	Fleet Maintenance	FB0	\$895,896
FB0 Total					\$15,058,731

Department of Corrections

0300	FL0	CR0	General Renovations	AM0	\$224,000
0300	FL0	MA2	Renovations at CDF	AM0	\$880,000
0300	FL0	MA5	Renovations at the Central Detention Facility	AM0	\$1,200,000
FL0 Total					\$2,304,000

Office of the Chief Medical Examiner

0300	FX0	001	Enhancements to Case Management	TO0	\$605,000
0300	FX0	AA3	Forensic Lab	AM0	\$640,000

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0300	FX0	AA5	Renovation of Mortuary, Photographic and Medicals	AM0	\$500,000
FX0 Total					\$1,745,000

D.C. Public Schools

0300	GA0	NB2	Bell Lincoln High	GA0	\$2,963,712
0300	GA0	NB4	Birney Elementary	GA0	\$9,303,000
0300	GA0	NB7	Brightwood Elementary	GA0	\$8,843,000
0300	GA0	ND1	Cooke Elementary	GA0	\$8,633,000
0300	GA0	NF9	Hardy Middle	GA0	\$11,065,000
0300	GA0	NJ8	McKinley Technical High	GA0	\$10,287,680
0300	GA0	NK5	Luke Moore High	GA0	\$2,591,816
0300	GA0	NL9	Phelps High School	GA0	\$8,734,320
0300	GA0	NO3	Sousa Middle	GA0	\$10,293,216
0300	GA0	NP5	Thomas Elementary	GA0	\$1,000,000
0300	GA0	NQ3	Walker Jones Elementary	GA0	\$11,847,000
0300	GA0	NQ9	Wheatley Elementary	GA0	\$1,000,000
0300	GA0	NR6	Woodson High	GA0	\$12,514,762
0300	GA0	SG1	General Improvements	GA0	\$33,750,000
0300	GA0	SG3	Maintenance Improvements	GA0	\$21,082,494
0300	GA0	T22	DCPS General IT	TO0	\$19,500,000
GA0 Total					\$173,409,000

University of the District of Columbia

0300	GF0	ET9	Higher Education Back Office	TO0	\$1,300,000
0300	GF0	UC1	New Student Center	AM0	\$500,000
GF0 Total					\$1,800,000

Department of Parks and Recreation

0300	HA0	QA3	Riggs LaSalle Recreation Center	HA0	\$2,000,000
0300	HA0	QB3	Roper / Deanwood Recreation Center	HA0	\$540,000
0300	HA0	QD1	Camp Riverview Rehabilitation and Renovation	HA0	\$1,200,000
0300	HA0	QD5	Woodrow Wilson Natatorium	HA0	\$1,500,000
0300	HA0	R67	Bald Eagle Rec Ctr Add	AM0	\$800,000
0300	HA0	RE0	Facility Expansion	HA0	\$67,000
0300	HA0	RG0	General Improvements	AM0	\$500,000
0300	HA0	RG0	General Improvements	HA0	\$5,016,000
0300	HA0	RN0	New Construction	HA0	\$1,775,000
0300	HA0	RR0	Renovation & Repairs	HA0	\$2,115,000
HA0 Total					\$15,513,000

Department of Health

0300	HC0	HC5	Medical Facilities	HC0	\$3,000,000
0300	HC0	R16	General Improvements	AM0	\$375,000
0300	HC0	R17	Plumbing	AM0	\$515,000
0300	HC0	R20	Emergency Systems	AM0	\$200,000

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0300	HC0	R28	Boiler Plant Renovations	AM0	\$1,304,000
0300	HC0	RA8	APRA Patient Records Systems	TO0	\$900,000
HC0 Total					\$6,294,000
Department of Human Services					
0300	JA0	JB2	JB Johnson Facility	AM0	\$460,000
0300	JA0	SG1	Information Technology	TO0	\$5,956,000
JA0 Total					\$6,416,000
Department of Transportation					
0300	KA0	CKL	Roadway Reconstruction	KA0	\$1,750,000
KA0 Total					\$1,750,000
Washington Metropolitan Area Transit Authority					
0300	KE0	SA2	Metrobus	KE0	\$11,017,000
0300	KE0	SA3	Metrorail Rehab	KE0	\$31,783,000
KE0 Total					\$42,800,000
Department of Public Works					
0300	KT0	SW2	Solid Waste Reduction Center	KT0	\$2,000,000
0300	KT0	SW4	SWMA - Solid Waste Management	KT0	\$2,000,000
KT0 Total					\$4,000,000
Department of Motor Vehicles					
0300	KV0	WA5	IT Infrastructure	KV0	\$3,000,000
KV0 Total					\$3,000,000
Department of Mental Health					
0300	RM0	XA6	St. Elizabeths Hospital Information System	TO0	\$1,400,000
RM0 Total					\$1,400,000
Office of the Chief Technology Officer					
0300	TO0	N16	District Reporting System	TO0	\$3,680,000
0300	TO0	N17	Tech City	TO0	\$30,290,000
0300	TO0	N18	Facility Improvements	TO0	\$7,240,000
0300	TO0	WA7	MSMP - Motorist Services Modernization Program	TO0	\$5,200,000
0300	TO0	ZA1	Information Tech Initiative	TO0	\$3,500,000
0300	TO0	ZB1	Citywide Enterprise Resource Planning (ERP)	TO0	\$4,850,000
TO0 Total					\$54,760,000
Grand Total					\$395,913,206

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Sec. 4. Pursuant to sections 7 and 8 of the Bond Act and applicable law, the Council hereby approves the execution and delivery by the Mayor, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds pursuant to the Bond Act.

Sec. 5. The Mayor has notified the Council in the letter of transmittal accompanying this resolution that the general obligation bonds to be issued and sold pursuant to the authority granted to the Mayor by this resolution are intended to be issued on a tax-exempt basis.

Sec. 6. The Secretary to the Council shall submit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately.

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A RESOLUTION

15-716

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the Mayoral appointment of Dr. Gregg A. Pane as the Director of the Department of Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Health Dr. Gregg A. Pane Confirmation Resolution of 2004".

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

Dr. Gregg A. Pane
3700 Massachusetts Avenue, N.W. #311
Washington, D.C. 20016
(Ward 3)

as Director of the Department of Health, established by Reorganization Plan No. 4 of 1996, effective July 17, 1996, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-717

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the sense of the Council on improving reimbursement rates for primary-care safety net providers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Supporting the District's Primary-care Safety Net Providers Resolution of 2004".

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

(1) The District of Columbia currently has 300,825 residents – or 52 percent of the total population – living in areas designated by the federal government as lacking adequate primary-care providers to serve the community.

(2) Each year, the District of Columbia primary-care safety net clinics serve over 135,000 low-income District residents, and provide a total of over 400,000 patient visits.

(3) Medicaid fee-for-service, primary-care reimbursement rates average \$35 per visit – less than 25 percent of the actual cost of providing care.

(4) DC Healthcare Alliance primary-care reimbursement rates are \$65 per visit – less than 50 percent of the actual cost of providing care.

(5) The Executive and Council of the District of Columbia have recognized the need for improved primary-care facilities and infrastructure, and have committed \$15 million for the Medical Homes DC initiative in fiscal years 2005-2007.

(6) Stronger investment in primary and preventive care will keep District residents healthier by managing chronic illnesses, rather than treating an illness at the point of crisis in an emergency room, which is worse for the patient's health and costs more money.

Sec. 3. It is the sense of the Council of the District of Columbia that the circumstances enumerated in section 2 require an immediate effort by the Executive to:

(1) Conduct a primary-care rate study, analyzing:

(A) The true costs of delivering primary care and how the District's reimbursement rates can be increased to fully reimburse primary-care safety net providers;

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(B) The impact of higher primary-care reimbursement rates on reducing emergency department utilization for preventable causes; and

(C) The impact of higher primary-care reimbursement rates on providing a larger scope of services to patients and improving health outcomes;

(2) Develop, in collaboration with the DC Primary Care Association, a rate-reimbursement model that links true cost rate reimbursement with performance standards and certification through the Medical Homes DC initiative; and

(3) Improve primary-care reimbursement rates to adequately pay providers for the care they deliver to:

(A) Fairly compensate primary-care safety net providers so they can better serve the District's medically vulnerable populations; and

(B) Help create a more favorable environment to recruit and retain primary-care providers to eliminate communities without access to primary care.

Sec. 4. Transmittal.

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

Sec. 5. This resolution shall take effect immediately.

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15-718

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Ms. Judy A. Moy to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Judy A. Moy Confirmation Resolution of 2004".

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

Ms. Judy A. Moy
328 Sheridan Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Alcoholic Beverage Control Board, established by section 25-201(a) of the District of Columbia Official Code, for a term to end May 7, 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

15-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the appointment of Mr. Albert G. Lauber to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board Albert G. Lauber Confirmation Resolution of 2004".

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

Mr. Albert G. Lauber
1502 Vermont Avenue, N.W.
Washington, D.C. 20005-3713
(Ward 2)

as a member of the Alcoholic Beverage Control Board, established by section 25-201(a) of the District of Columbia Official Code, for a term to end May 7, 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

15-720

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Mr. Fernando Lemos to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Fernando Lemos Confirmation Resolution of 2004".

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

Mr. Fernando Lemos
1769 Lanier Place, N.W.
Washington, D.C. 20009
(Ward 1)

as a public member of the District of Columbia Housing Authority Board of Commissioners, established by section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-211), for a term to end July 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.

ENROLLED ORIGINAL

A RESOLUTION

15-721

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Ms. Gail Sylvia Lowe to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Gail Sylvia Lowe Confirmation Resolution of 2004".

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

Ms. Gail Sylvia Lowe
829 Emerson Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a historian member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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

15-722

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Mr. Robert Charles Sonderman to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Robert Charles Sonderman Confirmation Resolution of 2004".

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

Mr. Charles Robert Sonderman
516 8th Street, N.E.
Washington, D.C. 20002
(Ward 6)

as a prehistoric archeologist of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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.

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A RESOLUTION

15-723

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Ms. Kathy Henderson to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Kathy Henderson Confirmation Resolution of 2004".

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

Ms. Kathy Henderson
1807 L Street, N.E.
Washington, D.C. 20002
(Ward 5)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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.

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A RESOLUTION

15-724

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the appointment of Ms. Anne McCutcheon Lewis to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Anne McCutcheon Lewis Confirmation Resolution of 2004".

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

Ms. Anne McCutcheon Lewis, FAIA
3400 Reservoir Road, N.W.
Washington, D.C. 20007
(Ward 2)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) pursuant to section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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

15- 725

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the appointment of Mr. John Michael Vlach to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board John Michael Vlach Confirmation Resolution of 2004".

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

Mr. John Michael Vlach
617 E Street, N.E.
Washington, D.C. 20002
(Ward 6)

as an architectural historian member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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

15-726

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Mr. Tersh Boasberg to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Tersh Boasberg Confirmation Resolution of 2004".

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

Mr. Tersh Boasberg
3136 Newark Street, N.W.
Washington, D.C. 20008
(Ward 3)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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

15-727

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Ms. Denise L. Johnson to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Denise L. Johnson Confirmation Resolution of 2004".

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

Ms. Denise L. Johnson
1438 S Street, N.W.
Washington, D.C. 20009
(Ward 2)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031) in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 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

15-728

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To approve the proposed compensation system changes submitted by the Mayor for non-union employees, not covered by collective bargaining, occupying the positions of battalion chief, deputy chief, and assistant chief in the Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Career and Excepted Service Employees' Non-Union Compensation System Changes for Fire and Emergency Medical Services Department Battalion Chiefs, Deputy Chiefs, and Assistant Chiefs Approval Resolution of 2004".

Sec. 2. Pursuant to section 1106 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 § 1-611.06), the Council approves the proposed compensation system changes recommended by the Mayor for Fire and Emergency Medical Services Department career and excepted service employees occupying the positions of battalion chief (class 8), deputy chief (class 9), and assistant chief (class 10), who are not covered by collective bargaining, which were transmitted to the Council by the Mayor on September 20, 2004.

Sec. 3. The compensation system changes approved in section 2 provide as follows:

District of Columbia Salary Schedule: Fire Service (Promotion)

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28607

Status:

Affected CBUI Service Code(s): XAA D02, XAA D03, XAA D12, XAA D13

Effective Date: October 3, 2004

FY: 2005

Union/Nonunion: Non-Union

Pay Plan Schedule (DSIWG): Fire Service

Increase: 2

Resolution Number:

Date of Resolution:

Serv Code Definition:

Grade		Step			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary April 4, 2004	\$81,249	\$85,473	\$89,917	\$94,593
	Base Pay with 2% Increase as of October 3, 2004 = Base Pay #1	\$82,874	\$87,182	\$91,715	\$96,485
	Service Longevity Payment - 15 years service @ 5% of Pay #1 = Pay #2	\$87,018	\$91,541	\$96,301	\$101,309
	Service Longevity Payment - 20 years service @ 10% of Pay #1 = Pay #3	\$91,161	\$95,900	\$100,887	\$106,134
	Service Longevity Payment - 25 years service @ 15% of Pay #1 = Pay #4	\$95,305	\$100,259	\$105,472	\$110,958
	Service Longevity Payment - 30 years service @ 20% of Pay #1 = Pay #5	\$99,449	\$104,618	\$110,058	\$115,782
Class 09 Deputy Chief	Base Annual Salary April 4, 2004	\$95,348	\$101,737	\$108,554	\$115,828
	Base Pay with 2% Increase as of October 3, 2004 = Base Pay #1	\$97,255	\$103,772	\$110,725	\$118,145
	Service Longevity Payment - 15 years service @ 5% of Pay #1 = Pay #2	\$102,118	\$108,961	\$116,261	\$124,052
	Service Longevity Payment - 20 years service @ 10% of Pay #1 = Pay #3	\$106,981	\$114,149	\$121,798	\$129,960
	Service Longevity Payment - 25 years service @ 15% of Pay #1 = Pay #4	\$111,843	\$119,338	\$127,334	\$135,867
	Service Longevity Payment - 30 years service @ 20% of Pay #1 = Pay #5	\$116,706	\$124,526	\$132,870	\$141,774
Class 10 Assistant Chief	Base Annual Salary April 4, 2004	\$112,278	\$119,759	\$127,738	
	Base Pay with 2% Increase as of October 3, 2004 = Base Pay #1	\$114,524	\$122,154	\$130,293	
	Service Longevity Payment - 15 years service @ 5% of Pay #1 = Pay #2	\$120,250	\$128,262	\$136,808	
	Service Longevity Payment - 20 years service @ 10% of Pay #1 = Pay #3	\$125,976	\$134,369	\$143,322	
	Service Longevity Payment - 25 years service @ 15% of Pay #1 = Pay #4	\$131,703	\$140,477	\$149,837	
	Service Longevity Payment - 30 years service @ 20% of Pay #1 = Pay #5	\$137,429	\$146,585	\$156,352	

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DEC 3 - 2004

XAA D03, XAA D12

District of Columbia Salary Schedule: Fire Service (Non-Union)

Status:

Affected CBUI Service Code(s): XAA D02, XAA D03, XAA D12, XAA D13

Effective Date: April 15, 2005

FY: 2005

Union/Nonunion: Non-Union

Pay Plan Schedule (DSIWG): Fire Service

% Increase: 2

Resolution Number:

Date of Resolution:

Serv Code Definition:

Grade		Step			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary October 3, 2004	\$82,874	\$87,182	\$91,715	\$96,485
	Base Pay with 2% Increase as of April 15, 2005 = Base Pay #1	\$84,531	\$88,926	\$93,549	\$98,415
	Service Longevity Payment - 15 years service @ 5% of Pay #1 = Pay #2	\$86,758	\$93,372	\$98,226	\$103,336
	Service Longevity Payment - 20 years service @ 10% of Pay #1 = Pay #3	\$92,984	\$97,819	\$102,904	\$108,257
	Service Longevity Payment - 25 years service @ 15% of Pay #1 = Pay #4	\$97,211	\$102,265	\$107,581	\$113,177
	Service Longevity Payment - 30 years service @ 20% of Pay #1 = Pay #5	\$101,437	\$106,711	\$112,259	\$118,098
Class 09 Deputy Chief	Base Annual Salary October 3, 2004	\$97,255	\$103,772	\$110,725	\$118,145
	Base Pay with 2% Increase as of April 15, 2005 = Base Pay #1	\$99,200	\$105,847	\$112,940	\$120,508
	Service Longevity Payment - 15 years service @ 5% of Pay #1 = Pay #2	\$104,160	\$111,139	\$118,587	\$126,533
	Service Longevity Payment - 20 years service @ 10% of Pay #1 = Pay #3	\$109,120	\$116,432	\$124,234	\$132,559
	Service Longevity Payment - 25 years service @ 15% of Pay #1 = Pay #4	\$114,080	\$121,724	\$129,881	\$138,584
	Service Longevity Payment - 30 years service @ 20% of Pay #1 = Pay #5	\$119,040	\$127,016	\$135,528	\$144,610
Class 10 Assistant Chief	Base Annual Salary October 3, 2004	\$114,524	\$122,154	\$130,293	
	Base Pay with 2% Increase as of April 15, 2005 = Base Pay #1	\$116,814	\$124,597	\$132,899	
	Service Longevity Payment - 15 years service @ 5% of Pay #1 = Pay #2	\$122,655	\$130,827	\$139,544	
	Service Longevity Payment - 20 years service @ 10% of Pay #1 = Pay #3	\$128,495	\$137,057	\$146,189	
	Service Longevity Payment - 25 years service @ 15% of Pay #1 = Pay #4	\$134,336	\$143,287	\$152,834	
	Service Longevity Payment - 30 years service @ 20% of Pay #1 = Pay #5	\$140,177	\$149,516	\$159,479	

ENROLLED ORIGINAL

88601

DISTRICT OF COLUMBIA REGISTER

DEC 3 - 2004

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Sec. 4. The compensation system changes delineated in section 3 for the covered employees shall apply on October 3, 2004 and April 15, 2005.

Sec. 5. Fiscal impact statement.

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

Sec. 6. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-729

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To approve the reappointment of Ms. Deborah K. Nichols as the District of Columbia Auditor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Auditor Deborah K. Nichols Reappointment Resolution of 2004".

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

Deborah K. Nichols
505 G Street, N.E.
Washington, D.C. 20002
(Ward 6)

as the District of Columbia Auditor, established by section 445 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.55), for a 6-year term to end February 25, 2011.

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

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

15-730

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the appointment of Mr. James Josef Abdo 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 James Josef Abdo Confirmation Resolution of 2004".

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

Mr. James Josef Abdo
2929 Benton Place, N.W.
Washington, D.C. 20008
(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), completing the unexpired term of Marc Ellin, which will end May 16, 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

15-731

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the reappointment of Mr. Darrin L. Glymph to the District of Columbia Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Local Business Opportunity Commission Darrin L. Glymph Confirmation Resolution of 2004".

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

Mr. Darrin L. Glymph
1315 Kalmia Road, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code § 2-215.03), for a term to end March 28, 2006.

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

15-732

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the appointment of Mr. Charles Gaither, Jr., to the District of Columbia Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Local Business Opportunity Commission Charles Gaither, Jr. Confirmation Resolution of 2004".

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

Mr. Charles Gaither, Jr.
7519 16th Street, N.W.
Washington, D.C. 20012
(Ward 4)

as a member of the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code § 2-215.03), replacing Steven McLendon, whose term ended March 28, 2004, for a term to end March 28, 2006.

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

15-733

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the appointment of Ms. Shannon Renee Mouton to the District of Columbia Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Local Business Opportunity Commission Shannon Renee Mouton Confirmation Resolution of 2004".

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

Ms. Shannon Renee Mouton
608 Girard Street, N.E., Apt. #3
Washington, D.C. 20017
(Ward 5)

as a member of the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code § 2-215.03), replacing L. Jeannette Mobley, whose term ended March 28, 2004, for a term to end March 28, 2006.

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

15-734

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$40 million aggregate principal amount of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Union Station Redevelopment Corporation 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 "Union Station Redevelopment Corporation Revenue Bonds Project Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be the Union Station Redevelopment Corporation, a District of Columbia nonstock not-for-profit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C. 501(a) as an organization described in 26 U.S.C. 501(c)(3).

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

(6) "Closing Documents" means all documents and agreements other than Financing

ENROLLED ORIGINAL

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 lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(11) "Project" means:

(A) The financing and refinancing of all or a portion of the costs of the construction and renovation of parking facilities of the Borrower located at 30 Massachusetts Avenue, N.E., Washington, D.C. (Lot 172, Square 720);

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

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

(D) Paying the cost of any bond insurance or other 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, refinancing 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 a total aggregate principal amount not to exceed \$40 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking in the area of parking 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 \$40 million; and

(2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

(1) The final form, content, designation, and terms of the Bonds, including a 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 of interest or the method for determining the rate of interest on the Bonds;

(4) The date of issuance, sale, and delivery of, and the payment of interest on the

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Bonds, and the maturity date of such 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 the 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 by the Secretary manual or facsimile signature. The Mayor execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor approval on behalf of the District of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the Bonds being sold.

(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 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 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 execution and delivery of the Financing Documents and the Closing

ENROLLED ORIGINAL

Documents to which the District is a party shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents, including those Financing Documents and Closing Documents to which the District is not a party.

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

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

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

ENROLLED ORIGINAL

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.

Sec.13. Information reporting.

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

Sec. 14. Disclaimer.

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

(b) The District reserves the right to issue 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 gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds authorized by this resolution.

(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.

ENROLLED ORIGINAL

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of such Bonds. This resolution approving the issuance of Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-735

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To authorize and provide for the issuance, sale, and delivery of up to \$6.5 million aggregate principal amount of District of Columbia revenue bonds in one or more series pursuant to a plan of finance and to authorize and provide for the loan of the proceeds of such bonds to assist Howard Road Academy Public Charter 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 "Howard Road Academy Public Charter School Inc. Revenue Bonds Project Approval Resolution of 2004".

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 Howard Road Academy Public Charter School Inc., a 501(c)(3) corporation and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

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

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

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

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(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 acquisition, construction, renovation, furnishing and equipping of an elementary school facility of the Borrower, including land, buildings, improvements and personal property located at 701 Howard Road, S.E., Washington, D.C. (Lot 89, Square 5861);

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

(C) Paying certain Issuance Costs 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, refinancing 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,

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in one or more series, in a total aggregate principal amount not to exceed \$6.5 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 the 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 \$6.5 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 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 of interest or the method for determining the rate of interest on the Bonds;

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

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

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

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

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

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

(10) Actions necessary to qualify the Bonds under the 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 by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval on behalf of the District of the final form and content of the Bonds.

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

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

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

Sec. 6. Sale of the Bonds.

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

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on

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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 being sold.

(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 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

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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, 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.

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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.

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 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 gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds authorized by this resolution.

(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.

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Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, as amended, and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of such Bonds. This resolution approving the issuance of Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

15-736

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To approve proposed rules to amend chapters 2 and 13 of the District of Columbia Municipal Regulations to bring the commercial driver's license requirements into conformity with federal regulations and to eliminate a duplicative school bus driver's license.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commercial Driver's License Rulemaking Approval Resolution of 2004".

Sec. 2. Pursuant to section 10 of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409), and section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921), the Mayor, on September 24, 2004, transmitted to the Council proposed rules to amend the commercial driver's license and school bus driver's license regulations. The Council approves the proposed rules published at 51 DCR 8113 to amend Chapters 2 and 13 of Title 18 of the District of Columbia Municipal Regulations.

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

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the D.C. Department of Motor Vehicles.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-737

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To confirm the Mayoral appointment of William O. Howland, Jr., as the Director of the Department of Public Works.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Public Works William O. Howland, Jr. Confirmation Resolution of 2004".

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

Mr. William O. Howland, Jr.
1421 Holly Street, N.W.
Washington, D.C. 20012
(Ward 4)

as Director, Department of Public Works, established by Reorganization Plan No. 4 of 1983, effective March 1, 1984, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, (D.C. Law 2-142; D.C. Official Code § 1-523.01) to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-738

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To approve proposed rules to amend chapters 4 and 5 of Title 18 of the District of Columbia Municipal Regulations to limit the use of special use identification tags and dealer identification tags.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Use Identification Tag Rulemaking Approval Resolution of 2004".

Sec. 2. Pursuant to section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921), the Mayor, on September 24, 2004, transmitted to the Council proposed rules to amend regulations pertaining to dealers and their use of special use identification tags and dealer identification tags. The Council approves the proposed rules published at 51 DCR 8872 to amend Chapters 4 and 5 of the Title 18 of the District of Columbia Municipal Regulations.

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

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the D.C. Department of Motor Vehicles.

Sec. 5. This resolution shall take effect immediately.

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A RESOLUTION

15-739

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt Contract No. DCFJ-2004-B-0031 from certain requirements of the District of Columbia Procurement Practices Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCFJ-2004-B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) On April 12, 2004 the Office of Contracting and Procurement on behalf of the District of Columbia Energy Office ("DCEO") and the District of Columbia Water and Sewer Authority ("WASA") issued a 2-step sealed bid for the delivery of electrical power and ancillary services on the open market. The contract term would be for a 3-year period. Two offerors, Pepco Energy Services ("PES") and Washington Gas Energy Services ("WGES"), submitted technical proposals that were determined acceptable by a Source Selection Technical Evaluation Panel and the independent assessment of the contracting officer.

(b) On June 16, 2004, an invitation for sealed priced bids was sent to the 2 offerors, and on the closing date, June 28, 2004, sealed priced bids were received from PES and WGES. Neither bid was responsive to the invitation.

(c) PES did not submit a bid for Year 1, and its Year 2 and 3 bids were up to 40% higher than had been anticipated in the District government's estimate.

(d) WGES submitted a partial bid for Year 1, agreeing to guarantee its prices only up to October 31, 2004, and only bid prices for certain accounts that it apparently believed may generate a higher profit. WGES did submit reasonable prices for Years 2 and 3.

(e) On account of the nonresponsiveness of the sealed priced bids submitted by the 2 offerors, on that same day, June 28, 2004, the Deputy Chief Procurement Officer for the Office of Contracting and Procurement, on behalf of the District, issued a written determination authorizing cancellation of the Two-Step Invitation for Bids and completion of the procurement through negotiations.

(f) Because of the volatility of the electrical energy market, to achieve favorable prices for all District and WASA accounts, the District would like to delay further negotiations until the latter part of September 2004, when it is anticipated that the price will be lower owing to reduced demand. The District would also like to be able, if necessary, to award a part of its requirements to each offeror based on the most favorable prices for selected components, rather than a single award as announced in the original solicitation.

(g) In order for the District to temporarily delay further negotiations and to award possibly 2 contracts based on selected components, it is necessary to exempt this procurement from the District of Columbia Procurement Practices Act of 1985 except for

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the criteria for Council review of multiyear contracts and contracts in excess of \$ 1 million.

(h) By making this exemption, rather than requiring the issuance of a new, 4th request for proposals in this matter, it is anticipated that the District will be able to proceed this fall with its municipal aggregation program. It is important that the municipal aggregation program proceed timely, prior to the lifting of price caps on electricity on February 7, 2005.

(i) The Contract No. DCFJ-20040B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Emergency Declaration Resolution of 2004 was adopted by the Council on July 13, 2004. The emergency expired on October 31, 2004. The Contract No. DCFJ-20040B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Temporary Amendment Act of 2004 was adopted by the Council after a 2nd reading on October 5th and transmitted to the Mayor on October 19, 2004. The deadline for the Mayor to sign the Contract No. DCFJ-20040B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Temporary Amendment Act of 2004 is November 2nd.

(j) Emergency legislation is needed to eliminate the gap in legal authority that will temporarily exist between the expiration of Contract No. DCFJ-20040B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Emergency Amendment Act of 2004 and the date when the temporary amendment completes its 30-day Congressional review.

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 Extension of the Contract No. DCFJ-2004-B-0031 Exemption Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-740

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Distracted Driving Safety Act of 2004 to clarify that no points shall be assessed for a violation of this act that does not contribute to an accident.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Distracted Driving Safety Revised Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; 51 DCR 1541) ("Act"), prohibits distracted driving and provides that no person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory, except for emergency situations and use by emergency and law enforcement personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties.

(b) It was the intent of the Council that no points be assessed to a motorist's driving record for violations of this law that do not contribute to an accident.

(c) In July 2004, the Council enacted the Distracted Driving Safety Revised Emergency Act of 2004, effective August 2, 2004 (D.C. Act 15-500; 51 DCR 8812) ("Emergency Act"), which clarified Council's intent by amending the Act to explicitly state that no points shall be assessed for a violation of this law. The Emergency Act expired on October 31, 2004.

(d) Temporary legislation, the Distracted Driving Safety Revised Temporary Amendment Act of 2004, passed on 2nd reading on October 5, 2004 (Enrolled version of Bill 15-964) shall not become law until after the 30-day Congressional 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)).

(e) It is important that the clarification in the Emergency Act continue in effect until the temporary legislation is law.

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 Distracted Driving Safety Revised Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-741

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Historic Landmark and Historic District Protection Act of 1978 to establish a new historic preservation review process for public safety facilities owned by the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Process for Public Safety Facilities Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Historic Preservation Review Board has applications pending for numerous firehouses as historic landmarks; almost all are either working fire or emergency medical service facilities, or both.

(b) The lives, health, safety, and property of residents throughout the District of Columbia depend on the timely maintenance and modernization of all public safety operational facilities, including firehouses and police stations.

(c) The operational needs of a public safety facility are so important for the community and the District that those needs must take precedence over historic preservation interests.

(d) In July 2004, the Council enacted the Historic Preservation Process for Public Safety Facilities Emergency Amendment Act of 2004, effective August 2, 2004 (D.C. Act 15-502; 51 DCR 8817) ("Emergency Act"), which required that rehabilitation or new construction for the operational needs of a public safety facility constitute a public interest having a higher priority than historic preservation and established an expedited historic preservation review process for public safety facilities. The Emergency Act expired on October 31, 2004.

(e) Permanent legislation, the Historic Preservation Process for Public Safety Facilities Amendment Act of 2004, signed by the Mayor on October 26, 2004 (Enrolled version of Bill 15-784), must complete 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)) and is not projected to become law until 2005.

(f) It is important that the provisions of the Emergency Act continue in effect until the permanent legislation is law.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Historic Preservation Process for Public Safety Facilities Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-742

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the sunset date for the issuance of tax increment financing bonds under the Tax Increment Financing Authorization Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Financing Reauthorization Date Congressional Review Second Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Tax Increment Financing Authorization Act of 1998 ("TIF Act") contains a sunset date of January 1, 2003.

(b) The Committee on Finance and Revenue has undertaken a thorough reexamination of the TIF Act, including hearings in January and June 2003. The goal of this effort will be to evaluate how to make tax increment financing, and other tax-related development tools, more effective for neighborhood economic development and revival, and this effort will result in legislative changes to the TIF Act.

(c) The Council has previously passed this measure on an emergency and temporary basis, to extend the sunset date of the TIF Act until January 1, 2005, and the permanent is pending before the Committee on Finance and Revenue.

(d) The prior emergency version, D.C. Act 15-448, expired on September 21, 2004. The temporary version, D.C. Act 15-472, has been signed by the Mayor and is pending transmittal to Congress for its review period, thus necessitating the underlying Congressional review emergency act.

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 Tax Increment Financing Reauthorization Date Congressional Review Second Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-743

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from taxation certain real property located in the District of Columbia used by the Department of the Army.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Walter Reed Property Tax Exemption Reconfirmation Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Military Housing Privatization Initiative of the 1996 Defense Authorization Act, which was Public Law 104-106, codified at 10 U.S.C. §§ 2871 through 2885, created a mechanism whereby the Department of the Army could enter into partnerships with the private sector for the purposes of the rehabilitation and construction of housing for military personnel and their families. These partnerships will allow for financing of this work by the private sector.

(b) The Army is planning such a partnership at Walter Reed U.S. Army Medical Center ("Walter Reed") with GMH Military Housing LLC ("GMH"). The property in question is located on the grounds of Walter Reed and is, as such, already exempt from property taxes.

(c) The property in question will continue to be used solely for military housing, and will be 90% owned by the Army and 10% owned by GMH for 50 years, after which time sole ownership will revert to the Army.

(d) The transaction between the Army and GMH was scheduled to close on July 1, 2004.

(e) The underlying emergency legislation will preserve the tax exemption this land currently enjoys, consistent with its continued use as housing for military personnel and their families, and thus allow the public-private partnership for the rehabilitation and development of this housing to move forward.

(f) The prior emergency version, D.C. Act 15-447, expired on September 21, 2004. The temporary version, D.C. Act 15-471, has been signed by the Mayor and is pending transmittal to Congress for its review period, thus necessitating the underlying Congressional review emergency act.

ENROLLED ORIGINAL

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 Walter Reed Property Tax Exemption Reconfirmation Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-744

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify the term of the Inspector General and to amend the conditions for removal of the Inspector General to include a resolution by the Council approving the Mayor's decision to remove the Inspector General for cause.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inspector General Appointment and Term Clarification Amendment Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Mayor posted a position announcement seeking applicants for the position of Inspector General of the District of Columbia with a deadline for submitting application materials and credentials of November 14, 2003, after Charles C. Maddox, the former Inspector General for the District, resigned effective December 31, 2003.

(b) The position announcement states that the person appointed as Inspector General shall serve in the Mayor's Cabinet until May 29, 2005.

(c) The term of the Inspector General is established as a 6-year term under existing law.

(d) Ms. Angela Avant was the 1st Inspector General for the District appointed to a fixed 6-year term in 1996 ending on January 15, 2002. Ms. Avant's term was completed by E. Barrett Prettyman, Jr. and Charles C. Maddox.

(e) The 6-year term of Inspector General does not start over with the new appointment, pursuant to *United States v. Wilson*, 290 F.3d 347 (D.C. Cir 2002) which held that a person appointed to an unexpired term completes the unexpired term.

(f) The 1st fixed term of Inspector General expired on January 15, 2002, and the next fixed term expires on January 15, 2008.

(g) Each Mayor should have the opportunity to appoint his or her own Inspector General and resetting of the term of the Inspector General precludes this option.

(h) Clarifying the conditions of employment for Inspector General candidates provides notice prior to the hire date that the term of the position is through January 15, 2008, and that subject to Congressional enactment, the successful candidate can only be removed for cause by the Mayor upon approval by resolution of the Council with 2/3 of the members present and voting.

(i) The Council seeks to clarify on an emergency basis, due to Congressional review, that the Inspector General serves for a 6-year term, similar to the Chief Financial Officer and that both the Council and the Mayor must agree to the removal for cause of the Inspector General in a non-control year.

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(j) The Congressional review emergency is necessary because the temporary emergency legislation expired on October 21, 2004 and the permanent legislation is pending Congressional review with a projected enactment date of February 28, 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 Inspector General Appointment and Term Clarification Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-745

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify and revise the criminal and civil penalties to be imposed upon persons under the age of 21 who purchase, attempt to purchase, possess, or drink an alcoholic beverage, persons who make false representations or possess or present fraudulent identification for the purchase, possession, or drinking of an alcoholic beverage, and persons who present fraudulent identification for the purpose of entering certain establishments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Penalty Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) On September 21, 2004, the Council passed Bill 15-823, the Alcoholic Beverage Penalty Act of 2004, which amends section 25-1002 of the District of Columbia Official Code. That bill is now D.C. Act 15-529 and is expected to become effective on February 4, 2005.

(b) On July 13, 2004, an emergency version of Bill 15-823 was also passed. Bill 15-928, the Alcoholic Beverage Penalty Emergency Act of 2004, was enacted on August 2, 2004 and expired on October 31, 2004.

(c) The Committee on Consumer and Regulatory Affairs held a public roundtable on the permanent legislation on June 16, 2004. The purpose of the Alcoholic Beverage Penalty Act of 2004 is to clarify and revise the criminal and civil penalties to be imposed upon persons under age 21 who purchase, attempt to purchase, possess, or drink an alcoholic beverage, as well as upon persons who make false representations or possess or present fraudulent identification for the purpose of purchasing, possessing, or drinking an alcoholic beverage, or for the purpose of entering certain establishments.

(d) To avoid a gap in enforcement due to Congressional review of the permanent legislation prior to Bill 15-823 becoming effective, it is necessary to pass the Alcoholic Beverage Penalty Congressional Review Emergency Act of 2004.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Alcoholic Beverage Penalty Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-746

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare an emergency, due to Congressional review, with respect to the need to establish appropriate graphics for the Gallery Place Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Gallery Place Project Graphics Congressional Review Emergency Amendment Declaration Resolution of 2004."

Sec. 2. (a) The Gallery Place Project Graphics Emergency Amendment Act of 2004, which amends Title 12A of the District of Columbia Municipal Regulations to establish appropriate graphics for the Gallery Place Project, is set to expire on October 31, 2004. These amendments to the construction code would allow the permitting of graphics or signs that are consistent with the specifications, drawings, limitations, and requirements set forth in a new 12A DCMR § 3107.18.

(b) The new section and the agreed-upon Illustrations that will be incorporated thereto have been discussed and negotiated for over a year among various District government agencies, including the Department of Consumer and Regulatory Affairs, the Office of Planning, the Deputy Mayor for Economic Development and Planning, and the Office of the Attorney General, along with the developers of the Project.

(c) This legislation is needed to provide the city with a mechanism, like those used in other jurisdictions, that allow signs and graphics that contribute to an entertainment district. The legislation has been drafted to ensure that the District government has authority for enforcement of the provisions of the bill, including the ability to take down non-compliant signs. The legislation places limits, restrictions, and requirements, including a design review that is unusual for an area outside of a historic district, on the 3 distinct signage areas that are defined in the illustrations and legislation. Moreover, regulations required as part of the Chinatown Design Review still apply. To ensure that these are met, the Office of Planning is included in the permit review process.

(d) Because of Congressional review, the temporary version of the legislation is not projected to become law until March 4, 2005. And the underlying permanent version of this

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legislation, Bill 15-313, came before the Committee of the Whole on October 26, 2004, and is due to come before the Council for 1st reading on November 9, 2004.

(e) The developers and most of the retail tenants have begun to open their operations in Gallery Place. They need to finalize their applications for permits for the signs and graphics they need to open these retail and entertainment-based businesses. Consequently, it is necessary to move this legislation on an emergency basis due to Congressional review to continue to have a review and enforcement process in place in time for consideration of the permit applications for graphics at Gallery Place.

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 Gallery Place Project Graphics Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-747

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Assistance Confidentiality of Information Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to ensure that all Medicaid records are subject to the same confidentiality protections currently in place for other government benefits programs handled by the Department of Human Services, Income Maintenance Administration ("IMA"). The current statutory provision, which makes the public benefits records confidential, does not include the agency's Medicaid records. There also is an immediate urgent need to ensure that records of the IMA are maintained in a manner that ensures compliance by the District with the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

(b) This emergency legislation would amend the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code, § 4-201.01 *et seq.*), to ensure that the Medicaid records of IMA and other protected health information are maintained in compliance with the federal HIPAA.

(c) The Public Assistance Confidentiality of Information Emergency Amendment Act of 2004, effective August 2, 2004 (D.C. Act 15-507; 51 DCR 8938), expires on October 31. The Public Assistance Confidentiality of Information Temporary Amendment Act of 2004, signed by the Mayor on November 1, 2004 (D.C. Act 15-569), is pending Congressional review.

(d) This emergency legislation is necessary to prevent a gap in the legal authority.

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 Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-748

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need for the Council to amend An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include as part of a proposed resolution for the disposition of real property an analysis of economic factors and a description of how economic factors will be weighted and evaluated, and in the case of any property to be disposed of through a request for proposal or competitive sealed proposal, to require the Mayor to use economic factors as one of the criteria for evaluating the request for proposal or competitive sealed proposal.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Disposition Economic Analysis Second Emergency Declaration Resolution of 2004".

Sec. 2. (a) Throughout the next year, the District of Columbia ("District") government is likely to issue requests for proposal to dispose of major parcels of land that it owns, possibly including sites on the Southwest Waterfront and the St. Elizabeth's campus, as well as the Franklin School and the Nichols Avenue School.

(b) Although upcoming disposals of District-owned real property will have a major impact on the local economy and could serve as an important source of revenue for the District government, there is presently no requirement that the District consider the economic value of the disposition, including the revenues, payments, and fees that would accrue to the District government or the impact on the local economy.

(c) To ensure that the District government and its residents derive maximum economic benefit from the forthcoming disposition of major parcels of real property, while providing the Mayor with appropriate flexibility to consider other important factors such as housing and community development, legislation is urgently needed to require an economic analysis as part of any real property disposition, and to ensure that economic factors are an explicit component of any real property disposition that will be effected through a request for proposal or competitive sealed proposal. Otherwise, the District may forego millions of dollars in potential benefits from such dispositions.

(d) The Real Property Disposition Economic Analysis Temporary Amendment Act of 2004, effective April 22, 2004 (D.C. Law 15-137; 51 DCR 2314), expires on December 3, 2004. The Real Property Disposition Economic Analysis Amendment Act of 2004, as introduced on January 7, 2004 (D.C. Bill 15-672), is pending before the Committee on Economic Development.

(e) This emergency legislation is necessary to prevent a gap in the legal authority.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Real Property Disposition Economic Analysis Second Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-749

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to exempt from sales taxation goods sold at certain charity auctions not more than 5 times a year by a nonprofit teaching hospital.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Charity Auction Sales Tax Exemption Emergency Declaration Resolution of 2004".

Sec. 2. (a) The permanent version of this legislation was introduced earlier this year, and the Committee on Finance and Revenue held a public roundtable on the bill on July 7, 2003.

(b) Nonprofit teaching hospitals hold charity auction events, which help fund activities which are beneficial to the District and its residents.

(c) Accounting for and collecting sales taxes on such incidental sales is an administrative burden to these organizations, and very few such organizations now either collect or are aware they should collect sales taxes on such sales.

(d) At the Committee's public roundtable, the Office of Tax and Revenue expressed concerns over the drafting of the original introduced bill, and those concerns have been addressed in this emergency bill.

(e) The charitable auctions which inspired the permanent bill are to be held later this month and in early November, thus necessitating consideration of this matter on an emergency basis.

(f) The permanent bill was successfully voted out of the Committee on Finance and Revenue on November 3, 2004 and will come before the Council of the District of Columbia for first reading on November 9, 2004.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Charity Auction Sales Tax Exemption Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-750

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to provide equitable real property tax relief and a tax exemption to the Capitol Hill Community Garden Land Trust, a tax-exempt organization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Kings Court Community Garden Equitable Real Property Tax Relief Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council has previously passed this measure on an emergency and temporary basis, and the permanent is pending before the Committee on Finance and Revenue.

(b) The prior temporary legislation, D.C. Law 15-139, will expire on December 3, 2004, thus necessitating additional emergency and temporary legislation while the permanent is still pending. There is no fiscal impact to this legislation as previous legislation has granted a property tax exemption to the Capitol Hill Community Garden Land Trust, a 501(c)(3) organization, for the land in question.

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 Kings Court Community Garden Equitable Real Property Tax Relief Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-751

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to clarify the effective date of the estate tax filing threshold.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Estate and Inheritance Tax Clarification Emergency Declaration Resolution of 2004".

Sec. 2. (a) Title XIV of D.C. Law 14-307, the Fiscal Year 2003 Budget Support Amendment Act of 2002, decoupled the District's estate tax code from the federal code.

(b) Title XXI of D.C. Act 15-106, the Fiscal Year 2004 Budget Support Act of 2003, and prior emergency and temporary versions of this legislation, increased the District's filing threshold for estates to \$1,000,000, from the previous \$675,000.

(c) It was the intent of the Council in raising the estate tax filing threshold earlier this year that it would apply to decedents who die on or after January 1, 2003, and that the fiscal impact of this Title was predicated upon that reading of the Title.

(d) The proposed emergency legislation will make this intent clearer, and is warranted so the Office of Tax and Revenue may advise tax practitioners and residents properly as to the effect of Title XXI of D.C. Act 15-106.

(e) The prior temporary version, D.C. Law 15-119, will expire on November 10, 2004. This emergency is necessary to ensure there is no gap in legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Estate and Inheritance Tax Clarification Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-752

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to de-couple the District tax code from the Internal Revenue Code for depreciation purposes in order to prevent significant loss of revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bonus Depreciation De-Coupling From the Internal Revenue Code Emergency Declaration Resolution of 2004".

Sec. 2. (a) As part of D.C. Law 14-190, the Fiscal Year 2003 Budget Support Act of 2002, the Council passed legislation to de-couple the District tax code from the Internal Revenue Code in various ways.

(b) At that time the Committee on Finance & Revenue wrote: "On March 9, 2002, President Bush signed into law the Job Creation and Work Assistance Act of 2002, otherwise known as the stimulus package. Section 101 amends section 168(k) of the IRC to provide a special additional first-year depreciation deduction equal to 30 percent of the adjusted basis for certain qualified property acquired after September 10, 2001, and before September 11, 2004. The additional first-year depreciation deduction is allowed for both regular and alternative minimum tax purposes for the taxable year in which the property is placed in service. In order to prevent significant loss of revenue, many states are de-coupling from the IRC for depreciation purposes to block allowance of this 30% 'bonus depreciation' for state income and franchise tax purposes."

(c) The change proposed by this emergency legislation would update what was previously passed in order to take into account changes made this year by Congress. This emergency is necessary to ensure the authority remains in place to allow the Office of Tax and Revenue to continue to issue tax forms for Tax Year 2005 reflecting Congress' change.

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 Bonus Depreciation De-Coupling from the Internal Revenue Code Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-753

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to raise the minimum wage from \$6.15 an hour to \$6.60 an hour beginning January 1, 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Minimum Wage Emergency Declaration Resolution of 2004".

Sec. 2. (a) On September 22, 2004, the Committee on Public Services marked-up permanent legislation to raise the minimum wage from \$6.15 an hour to \$6.60 an hour beginning January 1, 2005 and from \$6.60 an hour to \$7.00 an hour beginning January 1, 2006. In addition, the legislation establishes a minimum wage of \$2.77 an hour for employees who receive gratuities, but requires employers to ensure that the sum of \$2.77 an hour plus gratuities is not less than the District of Columbia's minimum wage.

(b) The permanent legislation is applicable beginning January 1, 2005, but it is likely that it will not be effective until a date later than January 1, 2005.

(c) In order for a smooth transition between the minimum wage in effect for the remainder of 2004 and the increased minimum wage likely to be applicable January 1, 2005 and to give the Department of Employment Services time to notify employers in the District of Columbia of an increase in the minimum wage, it is necessary that the Council pass emergency legislation to ensure that the minimum wage beginning January 1, 2005 is \$6.60 an hour.

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 Minimum Wage Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-754

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to amend the Public Congestion and Venue Protection Temporary Act of 2004 and the Public Congestion and Venue Protection Congressional Review Emergency Act of 2004 to prohibit the Metropolitan Police Department from charging not-for-profit events for police details.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Congestion and Venue Protection Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to clarify the interpretation of the Public Congestion and Venue Protection Temporary Act of 2004 and the Public Congestion and Venue Protection Congressional Review Emergency Act of 2004.

(b) The original intent of the bills was to cover large, for-profit events created in connection with commercial venues. Because of the broad language used in the bills, the Metropolitan Police Department has interpreted them as applying to not-for-profit gatherings, such as university charity events and neighborhood block parties, and subsequently has charged such groups for overtime police details.

(c) This emergency legislation narrows the scope of the previous legislation to its original intent by exempting not-for-profit events from the mandatory police details for which the Metropolitan Police Department is permitted to charge.

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 Public Congestion and Venue Protection Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-755

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to enact a new captive insurance company act to permit the chartering and operation of captive insurance companies in the District of Columbia; to provide for the licensing and regulation of captive insurers; to authorize the creation of segregated accounts; to establish minimum amounts of capital and surplus that must be maintained by a captive insurer; to establish the investments that captive insurers are permitted to make, governing reinsurance transactions; to provide for a premium tax; to establish minimum requirements for transacting business; to require the filing of an annual financial report; to authorize the Commissioner to perform financial examinations; to grant enforcement authority governing insolvency proceedings and redomestications of captive insurers; to exempt licensed captive insurers from certain taxes; to authorize the Commissioner to adopt regulations; to repeal the Captive Insurance Company Act of 2000 and to provide transition provisions; to amend the Insurance Regulatory Trust Fund Act of 1993 to establish an account within the Insurance Regulatory Trust Fund for the purpose of funding the expenses of the captive insurance activities of the Department in the discharge of all of its administrative, regulatory, and marketing functions under this act; and to amend the Risk Retention Act of 1993 to provide that a risk retention group shall be chartered as an association captive insurer and shall be subject to this act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Captive Insurance Company Emergency Declaration Resolution of 2004".

Sec. 2. (a) This emergency legislation is the exact same as the permanent legislation that is on the agenda for a 2nd reading. The emergency is necessary due to the fact that there will otherwise be a substantial delay in the enactment of the permanent legislation. Consequently, it is necessary to make this legislation effective as quickly as possible and thus the need for emergency action.

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(b) The intent of the Captive Insurance Company Emergency Act is to repeal the Captive Insurance Company Act of 2000, and permit the chartering, operation, and regulation of captive insurance companies in the District. The bill also establishes the minimum amounts of capital and surplus that must be maintained by captive insurers, permissible investments, and other minimum requirements for transacting business in the District. Additionally, the bill governs reinsurance transactions, authorizes the Commissioner to conduct financial examinations, and provides for the payment of premium taxes and exemptions from certain other taxes. Finally, the bill authorizes the Commissioner to adopt regulations.

(c) Numerous and significant changes were made to the original captive law to make the District a more attractive domicile for captive insurance companies. Accordingly, it was determined that it was more appropriate to repeal and replace the existing captive law rather than attempting to amend it.

(d) These amendments must be passed on an emergency basis to ensure that the regulation of the insurance industry continues to be done in a manner that competes sufficiently with other jurisdictions.

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 Captive Insurance Company Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-756

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To add domestic partners to the individuals excepted from paying the excise tax for the issuance of a subsequent certificate of title for an individual only adding his or her partner and not selling the motor vehicle or trailer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Certificate of Title Excise Tax Exemption Emergency Declaration Resolution of 2004".

Sec. 2. (a) Current law requires individuals to pay an excise tax for the issuance of a subsequent certificate of title for a motor vehicle. Excepted from this requirement is a transfer of title made as a bona fide gift between spouses or between parent and child.

(b) Currently an individual cannot add his or her registered domestic partner to the title and obtain a subsequent certificate of title reflecting the new joint ownership without paying the excise tax, even though the transfer was a bona fide gift.

(c) The imposition of an excise tax is overly broad and should not apply to a transfer between registered domestic partners, in the same way it does not apply to a transfer between a married couple, because there has been no sale of the motor vehicle.

(d) It is necessary that the Council alleviate this hardship immediately.

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 Motor Vehicle Certificate of Title Excise Tax Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-757

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to allow former District government employees who are reemployed annuitants the option of continuing to receive a reduction in pay.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District Government Reemployed Annuitant Offset Alternative Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) Legislation has been enacted that would treat former District government employees who are federal annuitants the same as former federal government employees who are federal annuitants by eliminating the reduction in the pay of a former District government employee who is a reemployed federal annuitant.

(2) Currently, a reemployed annuitant is provided the opportunity to receive an increased retirement annuity.

(3) After the completion of at least one additional year of service, the reemployed annuitant may receive either a supplemental annuity or a redetermined annuity after the completion of 5 years of additional service. Employees in this group typically earn a higher salary upon their return to employment with the District government, which results in a higher annuity.

(4) It is necessary to ensure that reemployed annuitants who are currently receiving an offset may continue to do so or elect to opt out.

(5) Employees hired on or after the effective date of this legislation will not be subject to an offset.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District Government Reemployed Annuitant Offset Alternative Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15- 758

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to establish, on a temporary basis, a Metropolitan Police Department School Safety Division that will be responsible for providing security to District of Columbia Public Schools, to provide that the School Safety Division shall be directed by a Director appointed by the Chief of the Metropolitan Police Department, to require the Metropolitan Police Department to create a training curriculum for school resource officers and school security guards who will provide security to District of Columbia Public Schools, to require the Metropolitan Police Department and the District of Columbia Public Schools to enter into a Memorandum of Agreement for the provision of school security services; to require the Mayor to submit a deployment recommendation and a comprehensive implementation plan to the Council and the Board of Education, to immediately transfer the responsibility for issuing an RFP for security services to begin January 1, 2005, from the DCPS to the MPD; and to make conforming amendments to the District of Columbia Procurement Practices Act of 1985.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "School Safety and Security Contracting Procedures Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate crisis regarding the provision and delivery of security services for students, teachers and staff at District of Columbia Public School facilities.

(b) The Committee on Education, Libraries and Recreation held a joint hearing with the Committee on the Judiciary to hear concerns about the provision of school security services by the District of Columbia Public Schools.

(c) As the result of the Committee on the Judiciary and the Committee on Education, Libraries and Recreation hearings, Bill 15-725 was amended to seek ways of fostering more cooperation between the Metropolitan Police Department and the District of Columbia Public Schools to improve the provision of school security services.

(d) As the result of the ongoing discourse between the Mayor and the Council, the MPD and DCPS are working together to determine appropriate standards for evaluating the types of school security services to be provided after January 7, 2005.

ENROLLED ORIGINAL

(e) Working cooperatively together, the MPD and DCPS have issued a Request for Proposals to improve school security services as of January 7, 2005.

(f) There is consensus, after the violence in DCPS schools in the 2003-2004 school year, that improvements in the prior method of DCPS having sole responsibility for providing school security, including the development of a comprehensive plan for providing security services to all schools in the District, should proceed apace.

(g) Prior to the Council's Fiscal Year 2006 budget review, the Council needs a recommendation on whether the school security guards shall be employees of the MPD, employees of DCPS, or contractors and the immediate collaboration of the MPD and DCPS will forward that goal.

(h) In order for the existing process to continue, for MPD and DCPS to work towards achieving improvements in school security, and for the benefits of MPD and DCPS collaboration to inure to the students and staff of DCPS school buildings, the Council's requirements for improving school safety as well as the school security contracting procedures must be established immediately.

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 School Safety and Security Contracting Procedures Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-759

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to declare the use of fiscal year 2004 reserve funds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Emancipation Day Reserve Fund Allocation Emergency Declaration Resolution of 2004."

Sec. 2. (a) Compliance with the congressional requirements under 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)), regarding the use of the District's reserve funds requires the Council to pass legislation to establish the purpose for the use of the District's reserve funds.

(b) Pursuant to the District of Columbia Emancipation Day Amendment Act of 2000, effective April 3, 2003 (D.C. Law 13-237; 48 DCR 597), April 16 was established as the date for a legal holiday known as the District of Columbia Emancipation Day for which \$1.1 million from the District's 2001 reserve funds must be reallocated and made available immediately to fund calendar year 2005 activities associated with the celebration of that holiday.

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 Emancipation Day Reserve Fund Allocation Emergency Act of 2004 be adopted after a single reading.

Sec. 4 This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-760

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 9, 2004

To declare the existence of an emergency with respect to the need to immediately establish a mandatory drug and alcohol testing program for District of Columbia government employees who provide direct services to children; to establish a criminal background checks program for the District of Columbia workforce; to establish uniform health screening requirements for all District of Columbia children; and to establish an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child and Youth, Safety and Health Omnibus Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to establish additional statutory provisions that will serve as safeguards to the well-being of children in the District of Columbia.

(b) The Child and Youth, Safety and Health Omnibus Amendment Act of 2000 (D.C. Act 13-604) was adopted by the Council on December 19, 2000 and signed by the Mayor on February 9, 2001. However, D.C. Act 13-604 was not approved by the Financial Responsibility and Management Assistance Authority, and, therefore, never enacted into law.

(c) The Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-117; 51 DCR 1359), expires on November 10. The permanent (Bill 15-607) is in committee, and is tentatively scheduled to be marked up on November 10. This emergency legislation is necessary to prevent a gap in the legal authority.

(d) Among the programs that are needed are the establishment of mandatory drug and alcohol testing for District of Columbia employees who provide direct services to children; the establishment of a criminal background check program for the workforce; the establishment of uniform health screening requirements for all District of Columbia children and uniform health forms; and the establishment of an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families.

ENROLLED ORIGINAL

(e) Without the new statutory provisions required by the Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004, the strides the District of Columbia is making in protecting the health and safety of all District of Columbia children will be in jeopardy of being reversed.

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 Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.