

ENROLLED ORIGINAL

A RESOLUTION

17-666

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve fiscal year 2008 appropriation authority to enable the use of existing Other-Type and local funds, and to place 2008 local funds in nonlapsing accounts for use in fiscal years 2009 and 2010; and to amend the Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008, the Supplemental Appropriations Clarification Release of Funds Emergency Amendment Act of 2008, and the Supplemental Appropriations Clarification Release of Funds Temporary Amendment Act of 2008 to repeal applicability clauses requiring specific reprogrammings before fiscal year 2008 supplemental funds are released.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) Section 821 of the Financial Services and General Government Appropriations Act, 2008, approved December 26, 2007 (Pub. L. No. 110-161; 121 Stat. 1844), authorizes the District to increase Other-Type appropriations based upon increased revenue that is certified as available by the Chief Financial Officer and obligated and expended in accordance with a law enacted by the Council.

(b) The Chief Financial Officer has provided the necessary certification of the increased availability of Other-Type revenues to support an increase of \$2.8 million to the District's fiscal year 2008 Other-Type fund appropriations. The Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Emergency Act of 2008, effective May 20, 2008 (D.C. Act 17-368; 55 DCR 6083) ("Emergency Act"), allocated these funds. The Emergency Act expires on August 18, 2008.

(c) Temporary legislation, the Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Temporary Act of 2008, signed by the Mayor on June 18, 2008 (D.C. Act 17-411; 55 DCR ___), must complete 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)), and is not projected to become law until after the

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Emergency Act expires.

(d) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from taxation certain real property owned by Building Hope, an organization that provides funding for public charter school facilities in the District of Columbia, during the period from August 21, 2006 through March 22, 2007, and to provide equitable tax relief to the organization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. Emergency circumstances.

(a) The Council has previously passed the underlying legislation on a permanent basis (D.C. Act 17-279), which is pending Congressional review.

(b) The substance of the underlying legislation is to amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property owned by Building Hope during the period from August 21, 2006 through March 22, 2007, and to provide equitable tax relief to the organization.

(c) To bring the underlying legislation into immediate effect, this Congressional review emergency legislation is warranted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to consolidate the overlapping responsibilities for the designation, registration, and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, and to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. Emergency circumstances.

(a) The Council has previously passed the underlying legislation on a permanent basis (D.C. Act 17-416), which is pending Congressional review.

(b) The substance of the underlying legislation is to amend the Office of Administrative Hearings Establishment Act of 2001 to authorize the Board of Real Property Assessment and Appeals to hear appeals from a notice of final determination on vacancy and to exempt appeals

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from a notice of final determination on vacancy from the purview of the Office of Administrative Hearings; to amend An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to consolidate the overlapping responsibilities for the designation, registration, and assessment of vacant properties, to provide for the consolidation of exemptions under the Department of Consumer and Regulatory Affairs and a reduction in the overall number of exemptions from the registration of vacant buildings, to provide for the establishment of regulations governing vacant property, to provide penalties for the filing of false or misleading vacant property registration information by an owner, to provide for the petition for reconsideration of a vacancy determination, to provide for the periodic noticing of the Office of Tax and Revenue of properties designated as vacant and the assessment of taxes on properties designated as vacant, and to provide for the appeal of a notice of final determination to the Board of Real Property Assessment and Appeals; and to amend Title 47 of the District of Columbia Official Code to restate the classes of property subject to taxation, to vest fully with the Department of Consumer and Regulatory Affairs the determination of the vacant status of buildings for Class 3 real property tax purposes, and to create a specific appeals process for Class 3 Properties.

(c) To bring the underlying legislation into immediate effect, this Congressional review emergency legislation is warranted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Nuisance Properties Abatement Reform and Real Property Classification Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Benefits Revision Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. Emergency circumstances.

(a) The Council has previously passed the underlying legislation on a permanent basis (D.C. Act 17-416), which is pending Congressional review.

(b) The substance of the underlying legislation is to amend Chapter 8 of Title 47 of the District of Columbia Official Code to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

(c) To bring the underlying legislation into immediate effect, this Congressional review emergency legislation is warranted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Real Property Tax Benefits Revision Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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17-670

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Housing Authority Act of 1999 to allow the District of Columbia Housing Authority to reserve 55 tenant-based assistance vouchers to provide rental assistance to extremely low-income veterans of the United States Armed Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Veterans Rental Assistance Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) The D.C. Housing Authority Rent Supplement Program was created to provide housing assistance to extremely low-income households in the District of Columbia, including individuals who are homeless and those in need of supportive services, such as elderly individuals or individuals with disabilities. The District of Columbia Housing Authority was appropriated funding in both fiscal year 2007 and fiscal year 2008 to implement the program.

(b) Fifty-one formerly homeless veterans will be displaced from Ignatia House, a shelter for veterans on the grounds of the Armed Forces Retirement Home.

(c) All 51 of the veterans received honorable discharges and many of them are living with substance-abuse problems.

(d) U.S. Vets, the group that leases and operates Ignatia House, was notified by officials of the retirement home that it would have to vacate the building when its lease expired at the end of February, 2008.

(e) An extension was granted that allowed Ignatia House to remain open until the end of July, 2008.

(f) No housing accommodations have been arranged for the 51 veterans by either the Armed Forces Retirement Home or the Veterans Administration.

(g) U.S. Vets, and the veterans themselves, has found it very difficult to find suitable housing accommodations for the entire group of low-income, special-needs individuals.

(h) Action must be taken immediately to ensure that a safety net is in place to prevent 51 honorably discharge veterans from becoming homeless again.

(i) The Veterans Rental Assistance Emergency Amendment Act of 2008 (D.C. Act 17-351) will expire on July 16, 2008.

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(j) The temporary bill (D.C. Act 17-383) is not expected to become law until July 21, 2008. Another emergency act is needed to fill the gap between the expiration of the original emergency legislation and the completion of the Congressional review period for the temporary 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 Veterans Rental Assistance Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-671

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To appoint Mr. Ronald L. Gainer to the District of Columbia Sentencing and Criminal Code Revision Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Sentencing and Criminal Code Revision Commission Ronald L. Gainer Appointment Resolution of 2008".

Sec. 2. The Council of the District of Columbia appoints:

Mr. Ronald L. Gainer
3000 North Monroe Street
Arlington, Virginia 22207

as a professional member from an established organization, to include institutions of higher education, devoted to the research and analysis of criminal justice issues, to the District of Columbia Sentencing and Criminal Code Revision Commission, established by section 2 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-year term to end July 2, 2011.

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

Sec. 4. This resolution shall take effect immediately.

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17-672

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To appoint Ms. Jennifer E. Seltzer Stitt to the District of Columbia Sentencing and Criminal Code Revision Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Sentencing and Criminal Code Revision Commission Jennifer E. Seltzer Stitt Appointment Resolution of 2008".

Sec. 2. The Council of the District of Columbia appoints:

Ms. Jennifer E. Seltzer Stitt
67 Seaton Place, N.W.
Washington, D.C. 20001
(Ward 5)

as a citizen of the District of Columbia member who is not an attorney, to the District of Columbia Sentencing and Criminal Code Revision Commission, established by section 2 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-year term to end July 2, 2011.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the District of Columbia Sentencing and Criminal Code Revision Commission, and the Office of the Mayor.

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

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A RESOLUTION

17-673

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$40 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Brookings Institution in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Brookings Institution Revenue Bonds Project Approval Resolution of 2008".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The Brookings Institution, a nonprofit corporation exempt from federal income taxes.

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

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

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

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the

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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. 777; D.C. Official Code § 1-201.01 *et seq.*).

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

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

(12) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's cost to:

(A) Acquire land and improvements and to improve, construct, renovate and equip the building located at 1780 Massachusetts Avenue, N.W., Washington, D.C. (Lot 77, Square 158), owned by the borrower, which will be occupied and used by the borrower for its ongoing operations;

(B) Improve, construct, renovate, and equip the borrower's buildings located at 1775 Massachusetts Avenue, N.W., Washington, D.C. (Lot 864, Square 157), and 1755 Massachusetts Avenue, N.W., Washington, D.C. (Lot 864, Square 157), which are primarily used by the borrower and certain other nonprofit organization tenants; and

(C) Fund any required debt service reserve fund or capitalized interest on the bonds; and

(D) Pay certain costs of issuance of the bonds, as well as any credit enhancement.

Sec. 3. Findings.

The Council finds that:

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

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property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$40 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

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

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

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$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's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

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

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

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

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

(4) The date or dates of issuance, sale, and delivery of, and the payment of

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interest on the bonds, and the maturity date or dates of the bonds;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Sale of the bonds.

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

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations

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governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

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

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

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(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

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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 or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

ENROLLED ORIGINAL**Sec. 16. Severability.**

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-674

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To authorize provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$25 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The William E. Doar, Jr., Public Charter School for the Performing Arts, Inc. in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "William E. Doar, Jr., Public Charter School for the Performing Arts, Inc. Revenue Bonds Project Approval Resolution of 2008".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The William E. Doar, Jr., Public Charter School for the Performing Arts, Inc., a District of Columbia nonprofit corporation exempt from federal income taxes.

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

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

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other similar instruments.

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

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

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

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

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

(12) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's cost of:

(A) Acquiring, constructing, renovating, furnishing, and equipping a public charter school facility (grades preschool through 12) of the borrower, including land, buildings, improvements, and personal property, located at 705 Edgewood Street, N.E., Washington, D.C. (Lot 810, Square 3636);

(B) Certain issuance costs and capitalized interest with respect to the bonds;
and

(C) Any credit enhancement, including any bond insurance, and funding of any required reserves.

Sec. 3. Findings.

The Council finds that:

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

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purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$25 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of elementary and secondary school facilities within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$25 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, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

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

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

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

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

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

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on, the bonds, and the maturity date or dates of the bonds;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Sale of the bonds.

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

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

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

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(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 Documents and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor'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 Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing

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Documents and the executed Closing Documents.

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

(f) No person, including, but not limited to, the borrower and any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

ENROLLED ORIGINAL**Sec. 15. Expiration.**

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-675

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$31.2 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The John F. Kennedy Center for the Performing Arts in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The John F. Kennedy Center for the Performing Arts Revenue Bonds Project Approval Resolution of 2008".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The John F. Kennedy Center for the Performing Arts, an independently administered bureau of the Smithsonian Institution and trust instrumentality of the United States of America and exempt from federal income taxes.

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

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

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other similar instruments.

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

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

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

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

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

(12) "Project" means the financing, refinancing or reimbursing of all or a portion of the borrower's cost of:

(A) Refunding the outstanding amount of the District of Columbia Multimodal Revenue bonds (The John F. Kennedy Center for the Performing Arts Issue) Series 1999, the proceeds of which were used to finance the construction, equipping, and furnishing of an expansion to certain parking facilities at The John F. Kennedy Center for the Performing Arts, located at 2700 F Street, N.W., Washington, D.C. (Lot 0806, Square 0012); and

(B) Paying certain expenditures associated therewith including, without limitation, issuance costs and credit enhancement costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding 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

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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 pursuant to a plan of finance, in an aggregate principal amount not to exceed \$31.2 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of entertainment 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 the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$31.2 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, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

Sec. 5. Bond details.

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

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

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

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

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- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
- (8) The time and place of payment of the bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
- (11) The terms and types of credit enhancement under which the bonds may be secured.

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

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

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

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

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

Sec. 6. Sale of the bonds.

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

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(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor'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.

(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 or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

ENROLLED ORIGINAL**Sec. 15. Expiration.**

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-676

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To approve the multiyear Contract No. CFOPD-7-C-058 with ACS State & Local Solutions, Inc. for the provision of audit and related services for the Office of Tax and Revenue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-7-C-058 ACS State & Local Solutions, Inc. Parent/Subsidiary and Brother/Sister Corporations Approval Resolution of 2008".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. CFOPD-7-C-058 with ACS State & Local Solutions, Inc. for the provision of audit and related services for the Office of Tax and Revenue.

(b) The proposed contract was forwarded to the Council for approval on May 23, 2008 as a one-year, 6-month multiyear contract, with 4 one-year option periods.

(c) The Contract is for the provision of audit services of parent/subsidiary and brother/sister corporations to the Compliance Division of the Office of Tax and Revenue ("OTR").

(d) The proposed multiyear contract is a contingency, fee-based contract. The vendor shall provide to the District 24 Economists' Reports per opportunity year for 4 years, or 96 in total.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director, dated June 30, 2008, 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)).

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Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-677

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 17, to change the date for the beginning of the Council's recess; to permit contracts to be transmitted from August 4 through the end of the Council recess; permit reprogramming requests and budget modification grant requests to be transmitted and the time period to run from July 16 to August 15, 2008; to authorize the Chairman of the Council to hold a hearing or roundtable during the recess; authorize the Chairperson of the Committee on Public Safety and the Judiciary to hold a hearing or roundtable during the recess on any matter relating to relating to the *District of Columbia v. Heller*, No. 07-290 (U.S. Sup. Ct. June 26, 2008); and to authorize the Chairperson of the Committee on Public Services and Consumer Affairs to hold a public hearing or roundtable in accordance with Rule 501 to conduct an investigation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 17 Rules Amendment and Hearing Authorization Recess Resolution of 2008".

Sec. 2. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 17, effective January 3, 2007 (Res. 17-1; 54 DCR 156), is amended as follows:

(a) Section 101(31) is amended by striking the date "July 15th" and inserting the date "July 16th" in its place.

(b) Section 308(b) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "during the 30-day period prior to the end of the summer recess of the Council," and inserting the phrase "from August 4 through September 15, 2008," in its place.

(2) New paragraphs (4) and (5) are added to read as follows:

"(4) A reprogramming request that is required to be submitted to the Council may be transmitted from July 16 through August 15, 2008.

"(5) A request for budget modifications for fiscal year 2008 grant funds may be transmitted from July 16 through August 15, 2008."

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(c) Section 711 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) Notwithstanding any other law or subsection (a) of this section, reprogramming requests may be submitted and the time period for reprogramming requests may be counted from July 16 through August 15, 2008."

Sec. 3. The Chairman of the Council is authorized to hold a hearing on a contract, reprogramming, budget modification, or emergency measure during the period July 16 through September 15, 2008. The Chairman of the Council may convene an additional meeting at any time during the period July 16 through September 15, 2008 for the Council to consider emergency or temporary measures relating to *District of Columbia v. Heller*, No. 07-290 (U.S. Sup. Ct. June 26, 2008).

Sec. 4. The Chairperson of the Committee on Public Safety and the Judiciary, in consultation with the Chairman of the Council, is authorized to hold a public hearing or roundtable in accordance with Rule 501 on any matters relating to *District of Columbia v. Heller*, No. 07-290 (U.S. Sup. Ct. June 26, 2008), during the period July 16 through September 15, 2008.

Sec. 5. The Chairperson of the Committee on Public Services and Consumer Affairs, in consultation with the Chairman of the Council, is authorized to hold a public hearing or roundtable in accordance with Rule 501, and take actions necessary to conduct an investigation under Article VI of the Council Rules during the period July 16 through September 15, 2008.

Sec. 6. This resolution expires on September 16, 2008.

Sec. 7. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-678

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To approve the extension of the 2-year time limit for the disposition of certain District-owned real property at the intersection of South Dakota Avenue, N.E., and Riggs Road, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Riggs Road Disposition Extension Approval Resolution of 2008".

Sec. 2. (a) Pursuant to section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the Mayor transmitted to the Council a request for approval of additional time, in the amount of 3 years, for the disposition of that certain real property bounded by South Dakota Avenue, N.E., Riggs Road, N.E., Parcel 137/86 and Lot 10 in Square 3760 ("Property"), which disposition was approved by the Council pursuant to the South Dakota Avenue-Riggs Road Excess Property Emergency Approval Resolution of 2006, effective July 11, 2006 (Res. 16-747; 53 DCR 6263) ("Disposition Approval Resolution"). The Mayor also transmitted a detailed status report on efforts made toward disposition of the property as well as the reasons for the inability to dispose of the property within the 2-year time period authorized by the Disposition Approval Resolution.

(b) The Council approves the additional time requested by the Mayor to dispose of the Property and extends this time period to dispose of the Property to July 11, 2011.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-679

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To confirm the appointment of Mr. Rodney C. Mitchell as the Executive Director of the Office on Ex-Offender Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Executive Director of the Office on Ex-Offender Affairs Rodney C. Mitchell Confirmation Resolution of 2008".

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

Mr. Rodney C. Mitchell
914 Delafield Place, N.W.
Washington, D.C. 20011
(Ward 4)

as the Executive Director of the Office on Ex-Offender Affairs, established by section 3 of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302), 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, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-680

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To confirm the appointment of Mr. Timothy J. Smith as the Director of the Office of Veterans Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Office of Veterans Affairs Timothy J. Smith Confirmation Resolution of 2008".

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

Mr. Timothy J. Smith
1711 33rd Place, S.E.
Washington, D.C. 20020
(Ward 7)

as the Director of the Office of Veterans Affairs, established by section 703 of the Office of Veterans Affairs Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 49-1002), 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, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-681

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To confirm the reappointment of Mr. Charles James Willoughby as the Inspector General.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inspector General Charles James Willoughby Confirmation Resolution of 2008".

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

Mr. Charles James Willoughby
1745 North Portal Drive, N.W.
Washington, D.C. 20012
(Ward 4)

as the Inspector General, in accordance with section 208(a)(1) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.08(a)(1)), and 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 for a term to end May 19, 2014.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-682

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To confirm the reappointment of Mr. Fernando A. 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 A. Lemos Confirmation Resolution of 2008".

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

Mr. Fernando A. Lemos
769 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, 2010.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-683

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to amend the Recreation Act of 2004 to authorize the Recreation Enterprise Fund to be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Recreation Enterprise Fund Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to clarify that money generated from fees and receipts from those activities for which the Department of Parks and Recreation ("Department") determines to charge a fee and allocated to the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

(b) Although Recreation Enterprise Fund dollars are generated from fees collected by the Department, the Department received an opinion from the Office of the Chief Financial Officer that Recreation Enterprise Fund dollars may not be used to purchase food.

(c) There are approximately 9,000 participants in summer programs in the Department, and the clarification of law to allow the Department to directly receive Recreation Enterprise Fund dollars, and expend those dollars on food, snack, and non-alcoholic beverages creates efficient and prudent service delivery.

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 Recreation Enterprise Fund Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-684

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to amend the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E., right-of-way so as to exclude a portion of land located under the historic building known as Building 160, and to require the Office of the Surveyor to amend its records to reflect the correction.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tingey Street, S.E. Right-of-Way Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 became effective April 8, 2005.

(b) The Office of the Surveyor recorded a plat entitled "Public Streets Dedicated and Easement Established (Square 770)" on July 2, 2007, in Book 202 at page 26.

(c) A portion of the right-of-way of Tingey Street, S.E., that was depicted on the plat in the Surveyor's office inadvertently included land that was improved by a portion of an historic building, known as Building 160.

(d) The portion of the land within the Tingey Street, S.E., right-of-way that is improved by Building 160 contains approximately 2,577 square feet of land area and measures 18.65 feet on the north, 137.29 feet on the east and west, and 18.89 feet on the south, as indicated on a certain survey recorded in the Surveyor's office in Book 1000 at page 203.

(e) As a result of the error in the description of the Tingey Street, S.E., right-of-way, the portion of Building 160 described above encroaches on the right-of-way of a public street. The encroachment does not extend into the travel lanes of Tingey Street, S.E., and, therefore, does not interfere with the free flow of vehicular travel on the street.

(f) The District Department of Transportation has issued a public-space permit for the use of the portion of Building 160 that encroaches on the Tingey Street, S.E., right-of-way.

(g) The encroachment of a portion of Building 160 within the right-of-way of Tingey Street, S.E., has caused significant title and survey problems for the party who intends to

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purchase the property that contains Building 160. Any further problems may delay the closing on the acquisition of the property and the financing of the redevelopment of Building 160 by the lender.

(h) The redevelopment of Building 160, with ground floor retail, approximately 170 units of residential uses, and associated parking and loading facilities, has been approved by numerous federal and District of Columbia agencies. A building permit has been issued for the redevelopment.

(i) The redevelopment of Building 160 will provide several benefits to the District, including:

- (1) The addition of needed retail services to the Ballpark and the near southeast neighborhood;
- (2) The introduction of a significant number of residential units on a 42-acre tract of land that currently contains no residential units;
- (3) A significant amount of new construction, retail, and other jobs; and
- (4) An increase in sales, income, and other tax revenue.

(j) There exists an immediate need to correct the error in the description of the Tingey Street, S.E., right-of-way to exclude that portion of the land that is improved by Building 160, to rectify the title and survey issues created by this error, and to facilitate the redevelopment of Building 160. Approval of this emergency legislation will not adversely impact any government agency or any neighboring or other affected persons or parties.

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 Tingey Street, S.E. Right-of-Way Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-685

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to amend the Vending Regulation Temporary Act of 2008 to expand vending opportunities around the Baseball Stadium, within the Capitol Riverfront Vending Development Zone, and to clarify that historic Robert F. Kennedy Stadium vendors shall be entitled to vend within the development zone.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to amend the legislation creating the Capitol Riverfront Vending Development Zone because the vending sites established by the Department of Consumer and Regulatory Affairs are located outside of the main foot traffic routes of most patrons of the Nationals baseball games and afford very limited opportunity for the small vending businesses to take advantage of the retail sales opportunities necessary to sustain their operations.

(b) The initial process of identifying and assigning vendors to the new stadium has been so long and drawn out that a good portion of the 2008 baseball vending season has passed without the opportunity for these vendors to participate.

(c) Due to the locations of the vending sites, these vendors are losing more income in permit fees that they are making from sales.

(d) Many of the vendors who were guaranteed vending locations at Robert F. Kennedy Stadium have been shut out of vending opportunities near the new Baseball Stadium.

(e) Emergency legislation is needed to safely move the vending sites closer to the Baseball Stadium to allow vendors an opportunity to conduct profitable business.

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 Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Emergency Amendment Act of 2008 be adopted after a single reading.

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Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-686

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to prohibit the electric company from shutting off service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Heat Wave Safety Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to protect District of Columbia residents who are vulnerable to the negative health impacts that may be caused by periods of extreme heat and who may be unable to cool their homes if their electricity is shut off.

(b) District law prohibits utilities from disconnecting their service when the forecast predicts the temperature will be 32 degrees Fahrenheit or below during the following 24 hours.

(c) Exposure to extreme heat is more likely to cause people to experience negative health consequences, including death, than extreme cold, and yet the District law does not contain a prohibition on disconnection of electricity service during or directly preceding periods of extreme heat analogous to the prohibition on disconnections during or directly preceding periods of extreme cold.

(d) While it is only July 1, residents of the District of Columbia have already been subjected to temperatures exceeding 100 degrees Fahrenheit and face even higher temperatures as the summer proceeds.

(e) Enacting a moratorium on the disconnection of electricity during or directly preceding periods of extreme heat will provide a measure of security for the residents of the District of Columbia without creating undue hardship for the electric company.

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 Heat Wave Safety Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-687

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to amend the Performance Parking Pilot Zone Temporary Act of 2008 to change the boundaries of the late night Adams Morgan taxicab zone and provide flexibility with regard to the number and placement of taxicab stands.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Adams Morgan Taxicab Zone Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to adjust the boundaries and requirements for the late night Adams Morgan taxicab zone to encourage taxicabs and taxicab patrons to use designated taxicab stands.

(b) On March 4, 2008, the Council passed emergency legislation establishing a late night Adams Morgan taxicab zone with specific boundaries. The Performance Parking Pilot Zone Temporary Act of 2008, effective April 14, 2008 (D.C. Law 17-170; 55 DCR 5185), uses these same boundaries.

(c) Taxicab zone implementation meetings with the District Department of Transportation, Advisory Neighborhood Commission representatives, and business organizations revealed that current boundaries will not encourage taxicab patrons to use the taxicab stand, and will consequently lead to additional congestion.

(d) Delay in taxi zone boundary adjustments would prevent effective implementation of the taxi zone during the summer months when congestion from cruising taxis routinely disrupts traffic, public transit, and emergency vehicles on 18th Street, N.W., in Adams Morgan.

(e) Flexibility in establishing the Adams Morgan taxicab zone boundaries will allow the District Department of Transportation to respond to new traffic patterns and implementation lessons in a manner consistent with the intent of the late night Adams Morgan Taxicab Zone Pilot Program.

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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 Adams Morgan Taxicab Zone Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

17-688

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to amend the Workforce Housing Production Program Approval Act of 2006 to grant authority to the Mayor to transfer money to the workforce housing pilot program from the Housing Production Trust Fund and the Industrial Revenue Bond special account in order to take advantage of the current market opportunity to fully leverage the anticipated private investment in the land trust.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Workforce Housing Production Program Emergency Declaration Resolution of 2008".

Sec. 2. (a) In 2006, the Council enacted the Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*) ("Act"), which contains measures necessary to enable the development and implementation of a workforce housing land trust pilot program.

(b) To provide funding for the purpose of the Act, the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), must be amended to authorize the expenditure of \$4 million in accordance with the Act and the Mayor must be authorized to expend \$1 million from the special account established, under D.C. Official Code § 47-131(c)(4), pursuant to the Act.

(c) The Workforce Housing Production Program Temporary Amendment Act of 2007 (D.C. Law 17-44) will expire on July 6, 2008.

(d) Bill 17-279, the permanent version of the legislation, was marked up on June 27, 2008, with the intention of having first reading on the measure on July 1, 2008.

(e) Emergency legislation is necessary to extend the effectiveness of the original temporary legislation while the permanent piece is being acted on by the full Council.

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 Workforce Housing Production Program Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A PROPOSED RESOLUTION

17-689

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to increase the pay levels for the Executive Schedule for subordinate agency head positions from 5 to 7 and to approve the proposed compensation system change submitted by the Mayor regarding the salary of the Director of the Office of Public Education Facilities Modernization Allen Lew.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Emergency Declaration Resolution of 2008".

Sec. 2. (a) In 2007, emergency and temporary legislation was enacted which increased the pay levels for the Executive Schedule for subordinate agency head positions from 5 to 7 and which approved a compensation system change submitted by the Mayor regarding the salary of Allen Lew, Director of the Office of Public Education Facilities Modernization.

(b) The emergency act expired in October 2007 and the temporary act, the Executive Service Compensation System Change and Pay Schedule Temporary Amendment Act of 2007 (D.C. Law 17-56) will expire on July 6, 2008. There is no permanent act in effect.

(c) Emergency legislation is needed to authorize payment of the salary for Mr. Lew after July 6, 2008.

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 Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-690

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to approve a request for authorization for payment, and to authorize payment to StandardsWork, Inc., in the amount of \$305,383.52 for curriculum-development services provided to the District of Columbia Public Schools without a valid written contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "StandardsWork, Inc., Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) The District of Columbia Public Schools ("DCPS") requested services from StandardsWork, Inc., for curriculum development services.

(b) The requisition was not approved prior to the rendition of the services.

(c) StandardsWork, Inc., performed the services from October 1, 2006, through December 20, 2006.

(d) StandardsWork, Inc., has not been paid for the services. The total cost to DCPS for the unauthorized services is \$305,383.52.

(e) The curriculum-development services received by DCPS benefited the District. The DCPS contracting officer has determined that the price charged for the services received is fair and reasonable and recommends payment. The DCPS chief financial officer has certified that funds are available and not allocated for any other purpose. The Chief Procurement Officer, upon review, has recommended that the contract be ratified.

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 StandardsWork, Inc., Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-691

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to approve a request for authorization for payment, and to authorize payment to Littler Mendelson, P.C., in the amount of \$206,579.30 for legal services provided to the University of the District of Columbia without a valid written contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Littler Mendelson, P.C., Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) The University of the District of Columbia ("UDC") requested legal services from Littler Mendelson, P.C.

(b) A contract was not approved prior to the rendition of the legal services.

(c) Littler Mendelson, P.C., performed the legal services from April 12, 2007, through November 30, 2007.

(d) Littler Mendelson, P.C., has not been paid for the legal services. The total cost to UDC for the unauthorized legal services is \$206,579.30.

(e) The legal services UDC received benefited the District. The UDC contracting officer has determined that the price charged for the services received is fair and reasonable and recommends payment. The UDC chief financial officer has certified that funds are available and not allocated for any other purpose. The Chief Procurement Officer, upon review, has recommended that the contract be ratified.

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 Littler Mendelson, P.C., Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-692

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to approve Contract No. POHC-2004-C-0526 to provide animal control and animal disease-prevention services, and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POHC-2004-C-0526 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve Modification No. 4 and proposed Modification No. 5 to Contract No. POHC-2004-C-0526 with the Washington Humane Society to provide animal control and animal disease-prevention services and to authorize payment for the services received and to be received under the contract.

(b) On May 13, 2008, by Modification No. 4, the Office of Contracting and Procurement exercised option year 2 for the period from May 19, 2008, through August 18, 2008, to provide services in the amount not to exceed \$682,153.86.

(c) Proposed Modification No. 5, in the amount of \$ 2,046,461.60, is now necessary for additional services for the remainder of option year 2.

(d) Council approval is necessary as Modification No. 5 increases the contract to more than \$1 million during a 12-month period.

(e) The emergency legislation will retroactively approve Modification No. 4 in the amount of \$682,153.86 and proposed Modification No. 5 in the amount of \$2,046,461.60.

(f) Emergency legislation is necessary to ensure the health and safety of District residents and to allow the continuation of these vital services. Without Council approval, the Washington Humane Society cannot be paid for services provided in excess of \$999,999.99.

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 Contract No. POHC-2004-C-0526 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-693

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to improve the District's ability to take corrective actions against nuisance properties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Abatement of Nuisance Properties and Tenant Receivership Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to amend the District's laws to improve the District's ability to take corrective actions against nuisance properties, include construction code and property maintenance code violations as bases for summary correction of life-or-health threatening conditions, extend relocation and storage expense assistance to displaced tenants while a condemnation proceeding is pending, clarify the Mayor's right to inspect housing accommodations and to apply for administrative search warrants, add construction and property maintenance code violations as bases for the appointment of a tenant receivership, remove the 50% limit on the amount of rent available for abatement actions by a receiver, provide that a receiver may be ordered where a rental housing accommodation is operated in a manner that demonstrates a pattern of neglect for the property for 30 successive days, provide that service of notices of violation may be effected by posting the notices in or about the property, provide that a court may in appropriate circumstances order a respondent to contribute funds in addition to amounts collected as rent for the abatement of housing code violations, and permit both civil and criminal sanctions for housing code violations.

(b) The Committee on Public Services and Consumer Affairs held a hearing on the Bill 17-729, the Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008, on June 23 2008.

(c) The Committee determined that the provisions of Bill 17-729, with some clarifications, should be approved, but that additional measures should also be considered as possible improvements to the permanent legislation. Such additional measures would require the input of other stakeholders and such input can not be completed before the Council goes into summer recess.

(d) To realize the benefits of the bill's provisions thus far, the emergency and temporary versions of the bill must be enacted immediately, while further consideration of additional provisions proceeds.

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 Abatement of Nuisance Properties and Tenant Receivership Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-694

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to amend subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations to create a limited exception to the prohibition against swimming in the Potomac River to allow a swim event as part of a sanctioned triathlon in the District of Columbia to be held on September 14, 2008.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Special Events Swimming Exception Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to amend subsection 1158.5 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 1158.5) to create a limited exception to the prohibition against swimming in the Potomac River to allow a swim event as part of The Nation's Triathlon ("TNT") on September 14, 2008.

(b) The sponsors, TNT, LLC, have proposed organizing and hosting another triathlon in the District of Columbia, a portion of which would take place in the Potomac River. Their triathlon last year was successful and provided an economic benefit to the District. The event took place only after the event sponsors were able to prove that the water quality in the Potomac River was sufficient to support a swimming event.

(c) To provide adequate proof that the water in the Potomac River is of sufficient quality to allow swimming without unreasonable risk to health, TNT sponsors must conduct tests of the water quality in the Potomac River as a condition precedent to the issuance of a swim permit for the event. All of the associated costs, including the required water testing and insurance, will be borne by the TNT sponsors.

(d) The date of the TNT is September 14, 2008, and the participant pre-registration has already sold out. Currently, under local law, persons are prohibited from swimming in the Potomac River, primarily due to the water quality rating assigned to the river. However, the water quality of the Potomac River is not constant. Therefore, pre-testing is required to determine the overall feasibility of allowing a swimming event in the Potomac River under certain conditions at specific times. Previously, the testing showed that, during testing times, the water in the Potomac River was of sufficient quality to support swimming. To issue a permit, legislation is needed to allow a limited exception to the general prohibition against swimming in

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the Potomac River, a prohibition that will otherwise remain in place. Delay in the issuance of the permit will have an adverse impact on the success of the TNT, which otherwise is expected to have a positive economic impact on the District. Testing will continue through the time of the TNT and controls shall be implemented to prohibit the swimming portion of the event if the water quality on the day of the event is likely not to be sufficient to support swimming without unreasonable risk to health.

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 Special Events Swimming Exception Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-695

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to approve Contract Nos. CFSA-08-C-0168, CFSA-08-C-0189, and CFSA-08-C-0204 with Jones and Associates, Inc., for the provision of Main Facility Independent Living Program services for youth receiving services from the Child and Family Services Agency, and to authorize payment for the goods and services received and to be received under these contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFSA-08-C-0168, Contract No. CFSA-08-C-0189, and Contract No. CFSA-08-C-0204 Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve Contract No. CFSA-08-C-0168, Contract No. CFSA-08-C-0189, and Contract No. CFSA-08-C-0204 for the provision of Main Facility Independent Living Program services for Child and Family Services Agency ("CFSA") youth and to authorize payment for goods and services received under these contracts. Contract No. CFSA-08-C-0168 in the amount of \$449,000 for the period from January 1, 2008, through February 29, 2008, and Contract No. CFSA-08-C-0189 in the amount of \$550,400 for the period from March 1, 2008, through July 15, 2008, with Jones and Associates, Inc., for the provision of Main Facility Independent Living Program services have been merged in Contract No. CFSA-08-C-0204.. The total amount of Contract No. CFSA-08-C-0204 is \$3,152,255.20.

(b) It is in the best interest of youth in CFSA care to authorize the continuation of Main Facility Independent Living Program, provided by Jones and Associates, Inc.

(c) There is a high demand for main facility independent-living placement for CFSA youth.

(d) The placements are necessary to stabilize youth placement, as required by the *LaShawn vs. Fenty* Amended Implementation Plan, B. Goal, Permanency, 13: Reduction in Multiple Placements.

ENROLLED ORIGINAL

(e) Council approval is necessary to authorize payments made under the contract for services received and to allow the District to continue paying for the Main Facility Independent Living Program services provided by Jones and Associates, Inc.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFSA-08-C-0168, Contract No. CFSA-08-C-0189, and Contract No. CFSA-08-C-0204 Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-696

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to approve a contract with BDC Construction, LLC, for repairs and renovations to schools accepting students from schools to be closed under the District of Columbia Public Schools school consolidation effort, and to authorize payment to BDC Construction, LLC, in the amount of \$3,197,949 for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "BDC Receiving School Contract Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve the BDC Receiving School Contract for the provision of repairs and renovations to schools accepting students from schools to be closed under the District of Columbia Public Schools school consolidation program and to authorize payment for services received under this contract in the amount of \$3,197,949.

(b) The Office of Public Education Facilities Modernization must prepare 31 District of Columbia public schools by August 15, 2008, to accept additional students from schools closed under the consolidation program. This contract is part of the work required to prepare these schools.

(c) It is important that preparation of these schools continue expeditiously and that BDC Construction, LLC, receive payment for services already rendered.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the BDC Receiving School Contract Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-697

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 1, 2008

To declare the existence of an emergency with respect to the need to approve a contract with Keystone Plus Construction Corp., for repairs and renovations to schools accepting students from schools to be closed under the District of Columbia Public Schools school consolidation effort, and to authorize payment to Keystone Plus Construction Corp., in the amount of \$2,683,968 for the services rendered under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Keystone Receiving School Contract Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve the Keystone Receiving School Contract for the provision of repairs and renovations to schools accepting students from schools to be closed under the District of Columbia Public Schools school consolidation program and to authorize payment for services received under this contract in the amount of \$2,683,968.

(b) The Office of Public Education Facilities Modernization must prepare 31 District of Columbia public schools by August 15, 2008, to accept additional students from schools closed under the consolidation program. This contract is part of the work required to prepare these schools.

(c) It is important that preparation of these schools continue expeditiously and that Keystone Plus Construction Corp., receive payment for services already rendered.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Keystone Receiving School Contract Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.