

## ENROLLED ORIGINAL

## A RESOLUTION

15-599

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 15, to allow the Council to consider emergency and temporary legislation and overrides from July 15 through August 5, 2004, and to permit the time period for Council review of contracts, reprogramming requests, and budget modification grants requests to run from July 15 to August 15, 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 15 Rules Time Extension Resolution of 2004".

Sec. 2. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 15, effective January 2, 2003 (Res. 15-1; 50 DCR 444), is amended as follows:

(a) Section 101(30) is amended as follows:

(1) Strike the phrase ", the 17-day period beginning on July 15th of each year".

(2) Strike the phrase "the month of August" and insert the phrase "August 6" in its place.

(b) A new section 308a is added to read as follows:

"Sec. 308a. Limited official action between July 15 and August 5, 2004.

"No action other than a legislative meeting to consider emergency, temporary, and overrides can be considered between July 15 and August 5, 2004.".

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

(1) Paragraph (1) is amended by striking the phrase "may be transmitted to the Office of the Secretary for the Council during the 30-day period prior to the end of the summer recess of the Council" and inserting the phrase "including contract summaries submitted under the Council streamlined process, may be transmitted to the Office of the Secretary during the period of July 15 through August 15, 2004," in its place.

(2) New paragraphs (3) and (4) are added to read as follows:

"(3) A reprogramming request that is required to be submitted to the Council may be transmitted from July 15 through August 15, 2004.".

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"(4) A request for budget modifications for FY 2004 grant funds may be transmitted from July 15 through September 15, 2004."

(c) Section 711 is amended as follows:

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

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

"(b) Notwithstanding any other law, reprogramming requests may be submitted, and the time period for reprogramming requests may be counted from July 15 through August 15, 2004."

Sec. 3. This resolution shall take effect immediately.

A RESOLUTION

15-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve the Consolidated Plan for the District of Columbia, Fiscal Year 2005 Action Plan, which provides a single annual grant application for 4 grant programs administered by the United States Department of Housing and Urban Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Consolidated Plan for the District of Columbia, Fiscal Year 2005 Action Plan Approval Resolution of 2004".

Sec. 2. The Council finds that:

(1) The primary objective of the Consolidated Plan for the District of Columbia, Fiscal Year 2005 Action Plan ("Fiscal Year 2005 Action Plan"), is the development of a viable urban community by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate incomes.

(2) The District government is required to submit an annual Action Plan for the District to the United States Department of Housing and Urban Development ("HUD") under Title I of the Housing and Community Development Act of 1974, approved August 22, 1987 (88 Stat. 633; 42 U.S.C. § 5301 *et seq.*) ("Housing and Community Development Act of 1974").

(3) The Action Plan is the successor to the Community Development Program pursuant to regulations issued by HUD under 24 CFR Part 91, Consolidated Submissions for Community Planning and Development Programs on January 5, 1995.

(4) Under section 3 of the Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. § 6-1002) ("Community Development Act of 1975"), the Council is required to adopt a resolution approving the Fiscal Year 2005 Action Plan, as the program is defined in Title I of the Housing and Community Development Act of 1974.

(5) The Mayor has submitted to the Council for approval the Fiscal Year 2005 Action Plan, identifying resources and program activities to address the District's housing and community development needs.

(6) The Council has reviewed the proposed Fiscal Year 2005 Action Plan.

Sec. 3. Pursuant to section 3(c) of the Community Development Act of 1975, the Council approves the Fiscal Year 2005 Action Plan, related program funding for the Community Development Block Grant program, the HOME Investment Partnerships program, the Housing Opportunities for Persons with AIDS program, and the Emergency Shelter Grant program.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

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

Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

15-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve the disposition through negotiated agreement of RLA Revitalization Corporation real property legally described as Lot 831 in Square 560.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Disposition of Lot 831 in Square 560 Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 8(b)(2) and 30a(b)(3) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.07(b)(2) and 2-1219.31(b)(3)), the Council approves the disposition of the real property legally described as Lot 831 in Square 560 and owned by the RLA Revitalization Corporation, pursuant to a negotiated agreement with the Mount Carmel Development Team, a joint venture currently comprised of Mount Carmel Baptist Church, Quadrangle Development Corporation, and the Wilkes Company.

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

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chief Executive Officer of the RLA Revitalization Corporation.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

15-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To amend the District of Columbia Fiscal Year 2004 Consolidated Plan Action Plan to authorize the submission of a community development block grant Section 108 loan guarantee application to the United States Department of Housing and Urban Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The Fiscal Year 2004 Consolidated Plan Action Plan Amendment Authorizing the Use of Section 108 Loan Guarantee Funds for the Skyland Community Development Block Grant Section 108 Loan Guarantee Application Resolution of 2004".

Sec. 2. (a) The District supports the development of property which will improve the delivery of goods and services to low- and moderate-income communities and the creation of jobs for low- and moderate-income individuals.

(b) The Council approved the Fiscal Year 2004 Consolidated Plan Action Plan ("Action Plan") as required pursuant to section 3 of the Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1002) ("Community Development Act of 1975").

(c) The Council is required to adopt a resolution approving any proposed substantial amendment to the Consolidated Plan Action Plan as defined in Title 1 of the Housing and Community Development Act of 1974, approved August 22, 1974 (88 Stat. 633; 42 U.S.C. § 5301 *et seq.*) ("Housing and Community Development Act").

(d) The proposed substantial amendment is to the section of the Action Plan regarding Section 108 loan guarantees, and would authorize the Mayor, on behalf of the District, to apply to the United States Department of Housing and Urban Development ("HUD") for a Section 108 loan guarantee under section 108 of the Housing and Community Development Act, in an amount not to exceed \$27.965 million to provide the interim financing to support the development of the commercial retail center known as the "Skyland Project". The Skyland Project will be developed in the Skyland retail priority TIF area, as that area is defined in the proposed "Skyland Project Retail Priority Area Approval Resolution of 2004", effective July 13, 2004 (Res. 15-619).

(e) The District supports the development of the Skyland Project located in an enterprise zone adjacent to the Pennsylvania Avenue/Fairlawn Strategic Neighborhood Investment Program ("SNIP") neighborhood. The Skyland Project will provide improved goods and services to benefit low- and moderate-income communities, as well as create needed job opportunities for low- and moderate-income individuals. The development of the Skyland Project is an eligible activity under 24 CFR § 570.203(a), which includes the acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions.

(f) The Strategic Neighborhood Action Plan ("SNAP") for Cluster 35, consisting of Fairfax Village, Hillcrest and Naylor Gardens considers economic development and public-private collaboration as a priority for citizens.

(g) Fifty-six percent of the residents of census tract 76.04 in which the Skyland Project will be located are low- and moderate-income persons, based on the 2000 United States Census.

(h) The creation of new neighborhoods by developing large-scale projects on District owned or controlled land and areas is a strategic initiative of the Mayor.

(i) The Office of the Deputy Mayor for Planning and Economic Development and the Department of Housing and Community Development ("DHCD") have recommended to the Mayor that the District apply for a Section 108 loan guarantee.

Sec. 3. (a) The Council determines that the circumstances enumerated in section 2 warrant authorizing the Mayor to make a substantial amendment to the Consolidated Plan Action Plan.

(b) The Mayor is authorized on behalf of the District to prepare and submit, in accordance with the applicable regulations of HUD, a final application for the Section 108 loan guarantee assistance and any amendments or modifications, as required by HUD and determined by the Mayor as necessary and desirable to carry out the intent of this resolution and obtain HUD's approval of the loan guarantee application.

(c) The Mayor is authorized and directed to execute the legal documents required by HUD and other District instrumentalities as shall be reasonably necessary to carry out the intent of this resolution, provided that the final Section 108 loan guarantee terms do not constitute a material change from those described in the attached Section 108 loan guarantee application.

(d) The Mayor is authorized and directed to take such other actions as shall be reasonably necessary to carry out the intent of this resolution.

Sec. 4. (a) The Action Plan is amended to include the following modification, under the section of that Plan titled "DHCD Programs, Section 108 Loan Guarantee Program":

"In fiscal year 2004, the District government will submit an application to HUD, requesting a loan guarantee of up to \$27.965 million to provide financing for the redevelopment of a major retail shopping center, known as "Skyland". The District intends to make a loan for

up to \$24.9 million of the available Section 108 proceeds to the National Capital Revitalization Corporation ("NCRC"), an instrumentality of the District, to acquire land, relocate current tenants, demolish existing buildings, and complete environmental remediation. Once NCRC has acquired lands, completed relocation and prepared the site, it will convey the land to the proposed developer, consisting of the Rappaport Companies, Harrison-Malone Development, the Washington East Foundation, and Marshall Heights Community Development organization. The District, if approved under the federal Community Development Block Grant ("CDBG") regulations regarding the use of program income, intends to repay the Section 108 debt using NCRC proceeds from the sale of the Government Printing Office ("GPO") site owned by a NCRC subsidiary, and if necessary, from other sources provided by NCRC. If there are insufficient funds from the sale of the GPO site or from NCRC, the District has pledged its future CDBG funds for annual debt repayments over the 20-year loan period."

(b) In order to effectuate the proposed substantial amendment to the Consolidated Plan Action Plan for fiscal year 2004, DHCD has publicized and conducted 2 public hearings on the substantial amendment and the Section 108 loan guarantee application in accordance with HUD regulations and the Citizen Participation Plan of the DHCD.

Sec. 5. Pursuant to section 3(c) of the Community Development Act of 1975, the Council approves the substantial amendment to the Action Plan to permit the submission of the Section 108 loan guarantee application to HUD for the Skyland Project.

Sec. 6. Fiscal impact statement.

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

Sec. 7. This resolution shall take effect immediately.



A RESOLUTION

15-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To authorize and provide for the issuance, sale, and delivery of up to \$4 million aggregate principal amount of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Washington Jesuit Academy in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Washington Jesuit Academy Revenue Bonds Project Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) Borrower means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be the Washington Jesuit Academy, a District of Columbia nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) Chairman means the Chairman of the Council.

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

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

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

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

(10) Loan means the District lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(11) Project means:

(A) The financing and refinancing of all or a portion of the costs of the acquisition and renovation of a building for use as a school facility of the Borrower, including land, buildings, improvements and personal property, located at 900 Varnum Street, N.E. (Lot 19, square 3894);

(B) Funding if necessary or appropriate any working capital costs;

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

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

(E) Paying the Cost of any bond insurance or other credit enhancement.

### Sec. 3. Findings.

The Council finds that:

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$4 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

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

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$4 million; and

(2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Sec. 6. Sale of the Bonds.

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

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

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

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

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

**Sec. 7. Payment and security.**

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

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

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

**Sec. 8. Financing and Closing Documents.**

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

(d) The Mayor execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor

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

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

**Sec. 9. Authorized delegation of authority.**

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

**Sec. 10. Limited liability.**

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

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

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

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

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

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

15-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To authorize and provide for the issuance, sale, and delivery of up to \$5 million aggregate principal amount of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist the Jewish Primary Day School of the Nation Capital, 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 "Jewish Primary Day School of the Nation Capital, Inc. Revenue Bonds Project Approval Resolution of 2004".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) Borrower means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be the Jewish Primary Day School of the Nation Capital, Inc., a District of Columbia nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C. § 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) Chairman means the Chairman of the Council.

(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

## ENROLLED ORIGINAL

the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

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

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

(10) Loan means the District lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(11) Project means:

(A) The financing and refinancing of all or a portion of the costs of the acquisition of certain land, improvements and personal property owned by the Borrower to be used as a school facility by the Borrower located at 6045 16th Street, N.W. (Lot 823, square 2726); and

(B) Paying certain Issuance Costs and costs of credit enhancement.

### Sec. 3. Findings.

The Council finds that:

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$5 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

## ENROLLED ORIGINAL

(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, secondary and college and university facilities within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$5 million; and

(2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

#### Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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

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

## ENROLLED ORIGINAL

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

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Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.



A RESOLUTION

15-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To authorize and provide for the issuance, sale, and delivery of up to \$4 million aggregate principal amount of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Center for Community Change in the financing, refinancing, refunding, or reimbursing of 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 "Center for Community Change Revenue Bonds Project Approval Resolution of 2004".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) Borrower means the owner of the assets financed, refinanced or reimbursed with proceeds from the Bonds which shall be Center for Community Change, a nonprofit corporation organized under the Nonprofit Corporation Act of the District of Columbia.

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

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

(7) Financing Documents means the documents other than Closing Documents that

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relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

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

(10) Loan means the District lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(11) Project means:

(A) The financing, refinancing, refunding, or reimbursement of the Borrower for certain costs incurred in connection with the acquisition, construction, renovation, furnishing and equipping of a building to be used as Borrower's corporate headquarters located at 1536 U Street, N.W., Washington, DC (Lot 810, Square 190), together with other property functionally related and subordinate thereto;

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

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

### Sec. 3. Findings.

The Council finds that:

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

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(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$4 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 which contributes to the health, safety and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$4 million; and

(2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

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

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

(3) The rate 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 such Bonds;

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

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

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

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

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

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

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

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

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

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

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

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

#### Sec. 6. Sale of the Bonds.

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

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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 Bonds being sold.

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

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

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Documents to which the District is a party.

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

## ENROLLED ORIGINAL

appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor

ENROLLED ORIGINAL

any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

15-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve the negotiated compensation collective bargaining agreement between the District of Columbia Nurses Association and the Department of Mental Health submitted by the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Settlement for Employees Represented by the District of Columbia Nurses Association Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the compensation settlement agreement negotiated through collective bargaining between the Department of Mental Health and the District of Columbia Nurses Association and the related pay schedules, which were transmitted to the Council by the Mayor on June 28, 2004 and which provide as follows:

## COMMISSION ON MENTAL HEALTH SERVICES

TABLE 16 - UNION

PROPOSAL 2-26-04; RV 3-4-04										
Effective January 14, 2001				Service Code - A38						
GRADE	DS									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
IN1	38,835	40,194	41,601	43,057	44,564	46,124	47,738	49,409	51,138	52,928
IN2	41,236	42,679	44,173	45,719	47,319	48,975	50,689	52,464	54,300	56,200
IN3	42,791	44,288	45,838	47,443	49,103	50,822	52,601	54,442	56,347	58,319
IN4	44,541	46,100	47,713	49,383	51,112	52,901	54,752	56,668	58,652	60,705
IN5	49,274	50,999	52,784	54,631	56,544	58,523	60,571	62,691	64,885	67,156
IN6	53,245	55,108	57,037	59,033	61,099	63,238	65,451	67,742	70,113	72,567
Special Salary Rate for Registered Nurses, OS 610										
FY '03	(1.5% Increase)									
GRADE	DS									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
IN1	39,418	40,797	42,225	43,703	45,232	46,816	48,454	50,150	51,905	53,722
IN2	41,855	43,319	44,836	46,405	48,029	49,710	51,449	53,251	55,115	57,043
IN3	43,433	44,952	46,526	48,155	49,840	51,584	53,390	55,259	57,192	59,194
IN4	45,209	46,792	48,429	50,124	51,879	53,695	55,573	57,518	59,532	61,616
IN5	50,013	51,764	53,576	55,450	57,392	59,401	61,480	63,631	65,858	68,163
IN6	54,044	55,935	57,893	59,918	62,015	64,187	66,433	68,758	71,165	73,656
FY '04	(3.5% Increase)									
GRADE	DS									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
IN1	40,797	42,225	43,703	45,232	46,816	48,454	50,150	51,905	53,722	55,602
IN2	43,319	44,835	46,405	48,029	49,710	51,449	53,250	55,115	57,044	59,040
IN3	44,953	46,526	48,154	49,840	51,584	53,390	55,259	57,193	59,194	61,266
IN4	46,791	48,429	50,124	51,878	53,694	55,574	57,518	59,531	61,615	63,772
IN5	51,764	53,576	55,451	57,391	59,401	61,480	63,631	65,858	68,163	70,549
IN6	55,935	57,892	59,919	62,016	64,186	66,433	68,758	71,165	73,655	76,233
FY '05	(4.0% Increase)									
GRADE	DS									
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
IN1	42,429	43,914	45,451	47,042	48,688	50,393	52,156	53,982	55,871	57,826
IN2	45,052	46,629	48,261	49,950	51,698	53,507	55,380	57,319	59,325	61,401
IN3	46,751	48,387	50,080	51,834	53,647	55,525	57,469	59,480	61,562	63,716
IN4	48,663	50,366	52,129	53,953	55,842	57,797	59,819	61,912	64,080	66,323
IN5	53,834	55,719	57,669	59,687	61,777	63,939	66,177	68,493	70,890	73,371
IN6	58,173	60,208	62,316	64,496	66,753	69,090	71,508	74,011	76,602	79,283

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

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, each to the District of Columbia Nurses Association, the Department of Mental Health, and the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To confirm the reappointment of Ms. Agnes A. Yates as a member and chairperson of the Public Service Commission of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Service Commission of the District of Columbia Agnes A. Yates Confirmation Resolution of 2004".

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

Agnes A. Yates  
2029 Trumbell Terrace, N.W.  
Washington, D.C. 20011  
(Ward 4)

as chairperson of the Public Service Commission of the District of Columbia, established by paragraph (97) of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 995; D.C. Official Code § 34-801), for a term to end June 30, 2008.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve the proposed Schedule of Fines for the Department of Consumer and Regulatory Affairs Towing Service for Motor Vehicles Regulations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Civil Infractions Schedule of Fines Amendment for Towing Services for Motor Vehicles Regulations Approval Resolution of 2004".

Sec. 2. Pursuant to Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code 2-1801.04), the Mayor, on June 11, 2004, transmitted to the Council proposed rules to amend the Civil Infractions Schedule of Fines. The Council approves the proposed rules published at 51 DCR 2407, to amend Chapter 32 of Title 16 of the District of Columbia Municipal Regulations to establish the Schedule of Fines for violations of the Towing Service for Motor Vehicles Regulations.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Consumer and Regulatory Affairs.

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

15-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve the establishment of the Skyland Retail Priority TIF Area pursuant to the Retail Incentive Temporary Act of 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Skyland Project Retail Priority Area Approval Resolution of 2004".

## Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax imposed pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(2) "Available Tax Increment" means the available sales tax revenues generated by the Skyland Project, less the available sales tax revenues generated in the base year, as certified by the Chief Financial Officer.

(3) "Bonds" means the District of Columbia tax increment 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 and shall include the TIF Note and the Special Payment TIF Note.

(4) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

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

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

(7) "District 108 Portion" means the amount that is so described in the MOU.

(8) "MOU" means the Memorandum of Understanding between the District and the NCRC setting forth the terms and conditions upon and pursuant to which the District will issue the Bonds and NCRC will manage the development of the Skyland Project.

(9) "NCRC" means the National Capital Revitalization Corporation and any subsidiary organization thereof, including, but not limited to, the RLA Revitalization Corporation.

(10) "NCRC Skyland Investment" equals the greater of (A) \$15.22 million, or

(B) such amount that is more than \$15.22 million, but less than \$17.22 million, and that is equal to the difference between the Total Section 108 Borrowing minus the District 108 Portion, but in no event shall the NCRC Skyland Investment exceed \$20 million.

(11) "Skyland Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a Retail Development Project of at least 200,000 square feet of land in the District and described in section 3.

(12) "Special Payment TIF Note" means a Bond in the amount of \$8.5 million that is earmarked to supporting NCRC economic development initiatives in Ward 7 and Ward 8.

(13) "Special Payment Account" means such account as NCRC creates to receive payments on the Special Payment TIF Note from the District's paying agent.

(14) "TIF Note" means a Bond in an amount equal to the NCRC Skyland Investment.

(15) "Total Section 108 Borrowing" equals the amount of gross Section 108 Loan Guarantee funds that the District borrows through the Department Housing and Urban Development's Section 108 Loan Guarantee program with respect to the Skyland Project.

Sec. 3. Establishment of Retail Priority Area; allocation of tax increments; approval of the MOU.

(a) There is hereby established the "Skyland Retail Priority TIF Area," which shall consist of the following parcels and lots and squares: Square 5632, Lot 0001; Square 5632, Lot 0003; Square 5632, Lot 0004; Square 5632, Lot 0005; Square 5632, Lot 0802; Square 5633, Lot 0800; Square 5633, Lot 0801; Square 5641, Lot 0010; Square 5641, Lot 0011; Square 5641, Lot 0012; Square 5641, Lot 0013; Square 5641, Lot 0819; Square 5641N, Lot 0012; Square 5641N, Lot 0013; Square 5641N, Lot 0014; Square 5641N, Lot 0015; Square 5641N, Lot 0016; Square 5641N, Lot 0017; Square 5641N, Lot 0018; Square 5641N, Lot 0019; Square 5641N, Lot 0020; Square 5641N, Lot 0021; Square 5641N, Lot 0022; Square 5641N, Lot 0023; Square 5641N, Lot 0024; Square 5641N, Lot 0025; Square 5641N, Lot 0026; Square 5641N, Lot 0027; Square 5641N, Lot 0028; Square 5641N, Lot 0029; Square 5641N, Lot 0030; Square 5641N, Lot 0031; Square 5641N, Lot 0033; Parcel 02130052; Parcel 02130060; Parcel 02130061; Parcel 02140062; Parcel 02140088; Parcel 02140104; Parcel 02140182; Parcel 02140187; Parcel 02140189; Parcel 02140190; Parcel 02140196; and any other parcel located within the geographic area bounded by a line beginning for the same at a point at the intersection of the northerly line of Good Hope Road, S.E., with the northerly line of Alabama Avenue, S.E., and running thence Northwesterly along said line of Good Hope Road, S.E., extended, to intersect a point on the east line of Naylor Road, S.E.; thence Northwesterly along said line of Naylor Road, to a point at the northwesterly corner of Lot 801 in Square 5633; thence Northeasterly along the northerly line of said lot & square, to a point at the westernmost corner of Parcel 213/52; thence continuing northeasterly along the northerly line of said Parcel 213/52, to a point at the southwesterly corner of Parcel 213/60; thence northwesterly along the arc of a curve, deflecting to the right, along the westerly line of said Parcel 213/60, to a point at the northernmost corner of said Parcel 213/60; thence Southeasterly along the easterly lines of said Parcels 213/60 and 213/52, to a point at the northwesterly corner of Lot 33 in Square North of Square 5641; thence Easterly along the north property lines of said Lot 33, and Lots 16 through 31, both inclusive, in Square North of Square 5641, to a point at the northeast corner of said Lot 31 in said square; thence South along the east line of said Lot 31 in said square, to a point at the southeast corner thereof; thence Westerly along the south lines of said Lots 31, 30, 29, 28, 27, 26, 25, 24, 23 and

22 in said square, to a point at the southwest corner of said Lot 22, to intersect a line drawn Northwesterly from the northeast corner of Lot 12 in Square North of Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 12 in said square, to a point at the southeast corner thereof, to a point that intersects a line drawn Northwesterly from the northeast corner of Lot 13 in Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 13 in said square, to a point at the southeast corner thereof; thence Southwesterly along the south property lines of Lots 13 and 12 in Square 5641, to a point that intersects a line drawn Northwesterly from the northeast corner of Lot 819 in Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 819 in said square, to a point at the southeast corner of said Lot 819 in said square, on the north line of Alabama Avenue, S.E.; and thence southwesterly along the arc of a circle, deflecting to the right, along said line of Alabama Avenue, to the point of beginning.

(b) There is hereby allocated to the repayment of the TIF Note 60% of the Available Tax Increment attributable to the Skyland Retail Priority TIF Area. There is hereby allocated to the funding of the Special Payment TIF Note 20% of the Available Tax Increment attributable to the Skyland Retail Priority TIF Area. The available sales tax increment shall be calculated based upon the sales tax revenue for calendar year 2003 as certified by the Chief Financial Officer. With respect to the TIF Note, the termination date for the allocation of sales tax increment authorized by this paragraph shall be the earlier of: (1) the final maturity date of the Bonds; or (2) the date on which all of the Bonds are paid or provided for and are no longer outstanding. With respect to the Special Payment TIF Note, the termination date for the allocation of the real property tax increment and the sales tax increment authorized by this paragraph shall be the date on which the Special Payment Account equals \$8.5 million.

(c) The MOU is hereby approved in substantially the form submitted to the Council. The Mayor, or his designee, is hereby authorized to execute and deliver the MOU, and, such other legal documents as may be necessary or desirable to achieve the public policy objective of this resolution on behalf of the District. The Mayor is further authorized to execute and deliver on behalf of the District any amendments or supplements to the MOU and the other documents referenced in this subsection that may be determined by the Mayor to be in the best interests of the District and consistent with the purpose and intent of this resolution, or as may be provided in the MOU and the other documents referenced in this subsection. The execution by the Mayor of any amendment or supplement to the MOU and the other documents referenced in this subsection shall be conclusive evidence of such determination.

#### Sec. 4. Bond terms; execution.

(a) The Council hereby approves the following summary of the terms of the Bonds to be issued to pay development costs associated with the Project:

(1) The Bonds shall be issued pursuant to the provisions of certain financing documents.

(2) The principal amount of the TIF Note shall not exceed the NCRC Skyland Investment. The principal amount of the Special Payment TIF Note shall be \$8.5 million.

(3) The interest rate on the TIF Note shall be 10% per annum. The Special Payment TIF Note shall not bear interest.

(4) The final maturity of the TIF Note shall be 15 years from the date of issuance, unless the Chief Financial Officer determines after 15 years that the Available Tax Increment



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paid to NCRC has not repaid the TIF Note, in which case, the final maturity of the TIF Note shall be automatically extended for a period that is the lesser of (A) 5 years, or (B) such period as it necessary to effectuate the repayment of the TIF Note. If the CFO determines that Available Tax Increment paid to NCRC has repaid the TIF Note within 15 years of the date of issuance, the final maturity of the TIF Note shall not exceed 15 years.

(5) The portion of the Available Tax Increment that is paid to NCRC on account of the Special Payment TIF Note shall continue to be paid by the District to NCRC until such time as the cumulative sum of payments made with respect to the Special Payment TIF Note equals \$8.5 million. NCRC shall monitor the cumulative payments to the Special Payment Account in terms acceptable to the District and the Chief Financial Officer. NCRC may withdraw funds from the Special Payment Account; provided, that (A) NCRC's cumulative accounting of payments made by the District's paying agent from Available Tax Increment from the Skyland Retail Priority Area is satisfactory to the District; and (B) NCRC's expenditures of funds from the Special Payment Account is verified by the Office of the Deputy Mayor for Planning and Economic Development to effectuate neighborhood economic development in Ward 7 and Ward 8. The Office of the Deputy Mayor for Planning and Economic Development and NCRC shall determine an efficient and transparent process to track the expenditure of funds from the Special Payment Account.

(6) The debt service on the Bonds shall be structured in such manner that it will not exceed in any year the 80% of the Available Tax Increment allocated to the Skyland Project projected to be received by the District during such year.

(7) The Bonds shall be secured by a pledge of the tax increment allocated to the Skyland Project pursuant to section 3(b).

(b) The Bonds may have any other terms and conditions consistent with this resolution and the TIF 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 Chief Financial Officer, or an authorized delegate of the Chief Financial Officer, and attested by the Secretary of the District of Columbia. The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

Sec. 5. Effective date.

This resolution shall take effect immediately.

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## A RESOLUTION

15-620

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to avert the unintended, premature termination of existing mental health civil commitments, by extending the period in which petitions for recommitment may be filed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mental Health Civil Commitment Extension Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2.(a) The Council adopted the Mental Health Civil Commitment Extension Emergency Act of 2004, effective June 23, 2004 (D.C. Act 15-450) ("Emergency Act"), to avoid the premature release on July 1, 2004 of persons who have been civilly committed, which otherwise would have been required by amendments made to the civil commitment process by the Mental Health Civil Commitment Act of 2002, effective April 4, 2003 (D.C. Law 14-283; 50 DCR 917) ("Act").

(b) The Act contains several amendments designed to modernize the District's statutory scheme for civil commitment. The Act changes the commitment term for persons who have been civilly committed from being of indeterminate duration to a one-year period. It also creates a streamlined judicial procedure for annual recommitment of those still in need of commitment.

(c) The provisions of the Act that change the commitment term and provide for an annual recommitment procedure require affirmative Congressional enactment before they can be implemented because section 602(a)(7) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)(7)), prohibits the Council from enacting legislation relating to the Commission on Mental Health.

(d) In section 2(gg) of the Act, the Council provided that all indeterminate commitments would terminate as of July 1, 2004, unless a petition for recommitment were filed prior to that date. In adopting that provision, the Council had anticipated that Congressional enactment of the provisions relating to the Commission on Mental Health would have occurred by January 1, 2003, leaving an 18-month window for the Department of Mental Health, and other providers, to

## ENROLLED ORIGINAL

file recommitment petitions in all existing commitment cases. However, because Congress had not yet enacted those provisions, there was not a recommitment mechanism in place and existing commitments would have terminated effective July 1, 2004 if the period for filing petitions for recommitment had not been extended by the Emergency Act.

(e) The Council anticipates that Congress will be enacting the necessary provisions in the near future. However, even if Congress had acted prior to July 1, 2004, there would not have been sufficient time to allow for consideration, filing, and execution of recommitment petitions in existing commitment cases.

(f) The Emergency Act adopted by the Council on June 1, 2004 averted the premature termination of existing commitments and allowed for ample time to consider and file recommitment petitions. The legislation established a period of 18 months for the filing of petitions after the effective date of the Congressional enactment of the applicable provisions

(g) The Emergency Act will expire on September 21, 2004. The Mental Health Civil Commitment Extension Temporary Act of 2004, passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill 15-856), is before the Mayor and is expected to be signed by July 20, 2004. It will be transmitted to Congress and will be pending Congressional review on September 21, 2004, the day the Emergency Act will expire.

(h) Because the authority extending the recommitment period cannot be applied retroactively, it is necessary that this emergency legislation be adopted before Council recess so that there is no possibility of the authority expiring on September 21, 2004, resulting in the premature release of persons who have been civilly committed.

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 Mental Health Civil Commitment Extension Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend, the District of Columbia Campaign Finance Reform and Conflict of Interest Act to allow members of the Board of Education to receive honoraria without restriction.

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

Sec. 2. (a) There exists an emergency regarding the ability of members of the Board of Education to accept honoraria after appointment or election.

(b) The Honoraria Emergency Amendment Act of 2004 will expire on July 20, 2004 and the Honoraria Temporary Amendment Act of 2004 is not expected to become effective until September 27, 2004.

(c) Prior to the enactment of temporary legislation by the Council, members of the Board of Education were subject to an annual \$10,000 limitation on honoraria.

(d) Since this limitation was enacted in 1989, the composition of the Board has changed to include both elected and appointed members.

(e) When this limitation was enacted, compensation for members of the Board was substantially higher, and the Board had authority to adjust the compensation. This is no longer the case.

(f) It is important to the stability of the Board that the honoraria limit be removed.

(g) The Council needs to pass emergency legislation to close the gap between the expiration of the current emergency act and the effectiveness of the pending temporary act.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to approve the plan to allow the National Capital Revitalization Corporation to move forward with negotiations for acquisition of land to redevelop the Skyland Shopping Center in Ward 7.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. The Skyland property is controlled by over 15 owners and contains 40 parcels of land. In order for development to proceed, the National Capital Revitalization Corporation ("NCRC") needs for the Council to approve the use of eminent domain so that it can negotiate with landowners and start the process of site acquisition. The emergency circumstances exist because site control is a precursor to obtaining firm commitments from retailers. In order for development to proceed in a timely manner, NCRC needs to bring to the table owners to commence the negotiation process.

Sec. 3. The Council finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend, on an emergency basis, section 3 of the Removal from the Permanent System of Highways, a Portion of 22<sup>nd</sup> Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002 to reference the revised Surveyor's plat filed under S.O. 00-89.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Removal from the Permanent System of Highways, a Portion of 22<sup>nd</sup> Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Amendment Congressional Review Emergency Declaration Resolution of 2004."

Sec. 2. (a) The Fairlawn neighborhood has been selected for redevelopment of town homes on an empty lot.

(b) Twenty percent of the town homes will be reserved for low-income purchasers.

(c) Revisions to the Surveyor's plat are required to realign 22<sup>nd</sup> Street, S.E., immediately so that the groundbreaking for the construction of housing can occur this summer.

(d) The Council, having previously approved the permanent legislation on this matter, in Bill 15-791, can assist with accelerating the development of 21 single family units by passing emergency legislation that will permit the revision in the Surveyor's plat from a cul-de-sac to a "P" shape.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Removal from the Permanent System of Highways, a Portion of 22<sup>nd</sup> Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Technical Congressional Review Emergency Amendment Act of 2004, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to authorize the District of Columbia Board of Education to implement a retirement incentive program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Teacher Retirement Incentive Program Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(a) The District of Columbia Board of Education ("Board") has determined that in order to meet spending limitations for Fiscal Year 2004, a number of school-based and central office employee positions must be abolished at the close of the 2003-2004 School Year in June 2004.

(b) As of May 14, 2004, at least 1,200 teachers and administrators will be eligible for regular retirement based upon age and years of service.

(c) The Board has also determined that providing a financial incentive for a limited number of teachers and administrators who are eligible for retirement will prompt more teachers and administrators to take advantage of their current eligibility and retire after the close of the 2003-2004 school year.

(d) The Council enacted the February Priority Spending Emergency Act of 2004, effective February 27, 2004 (D.C. Act 15-387; 51 DCR 2830), approving the expenditure of up to \$5 million by the District of Columbia Public Schools for the Teacher Buyout Incentive Program.

(e) Unless legislative action is taken immediately to provide a retirement incentive for a limited number of teachers and administrators, the Board will be forced to engage in a more extensive abolishment of school-based positions at the end of the 2003-2004 school year.

(f) The Council approved emergency legislation on this matter on April 20, 2004, Act 15-422, which will expire August 8, 2004. Temporary legislation will not become effective until September 27, 2004.

AUG 13 2004

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 Teacher Retirement Incentive Program Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



A RESOLUTION

15- 625

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Advisory Commission on Sentencing Establishment Act of 1998 to rename the commission the District of Columbia Sentencing Commission and to require the commission to assist the Superior Court of the District of Columbia in implementing, as a pilot program, the comprehensive structured sentencing system recommended by the commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Advisory Commission on Sentencing Structured Sentencing System Pilot Program Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Advisory Commission on Sentencing Structured Sentencing System Pilot Program Emergency Amendment Act of 2004, effective May 21, 2004 (D.C. Act 15-437; 51 DCR 5957), will expire on August 19, 2004. The Advisory Commission on Sentencing Structured Sentencing System Pilot Program Amendment Act of 2004, signed by the Mayor on June 23, 2004 (D.C. Act 15-457), is pending Congressional review, and is not projected to become law until October 19, 2004.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Advisory Commission on Sentencing Structured Sentencing System Pilot Program Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-626

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to address the prevalent and blatant use of counterfeit, stolen, or otherwise fraudulent motor vehicle temporary identification tags by providing for the suspension or revocation of a registration issued to an owner or dealer who provides or obtains a counterfeit, stolen, or otherwise fraudulent temporary identification tag, for the forfeiture of a motor vehicle knowingly used with a counterfeit, stolen, or otherwise fraudulent temporary identification tag, for an increase in the maximum fine for motor vehicle registration violations from \$300 to \$1000, and to provide due process protection to a person claiming an interest in a motor vehicle seized or forfeited.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Congressional Review Emergency Amendment Declaration Resolution of 2004".

Sec. 2. (a) There exists an ongoing serious problem of individuals providing or using counterfeit, stolen, or otherwise fraudulent temporary identification tags on motor vehicles being driven in the District.

(b) The purpose in using a fraudulent temporary tag is often to avoid obtaining automobile insurance, paying fines and other debts owed to the District, or to prevent the police from tracing a motor vehicle used in criminal activity to its owner.

(c) The prevalent use of fraudulent temporary tags hinders law enforcement in the investigation of crimes and in the apprehension of law breakers, increases the number of uninsured motorists in the District, and of uninspected vehicles, all of which pose threats to public safety.

(d) The prevalence of this problem also has a negative fiscal impact in that it robs the District of revenue that would otherwise be realized from registration fees.

(e) In order to deter individuals from this unlawful behavior and to protect the public and aid law enforcement, it is of vital importance that increased penalties for the use of fraudulent temporary identification tags and other motor vehicle registration violations be established

immediately.

(f) The Council approved this legislation on an emergency basis in April, 2004, Act 15-432, which will expire August 8, 2004. Temporary legislation will not become effective until September 27, 2004.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.