

ENROLLED ORIGINAL

A RESOLUTION

15-627

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

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

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

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

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

(c) The underlying permanent version of this legislation, Bill 15-313, was introduced by Councilmember Evans on June 17, 2003 and referred to the Committee on Consumer and Regulatory Affairs on June 24, 2003. Since that bill's introduction, there has been considerable discussion and negotiation by the Executive branch with the developers of Gallery Place about this issue.

(d) An amendment in the nature of a substitute together with a proposed draft Memorandum of Understanding ("MOA") and illustrations was developed by the administration and shared right before the Committee held a public roundtable that was held on June 30, 2004, on the legislation. The Committee, in turn, shared this information when it received it with interested members of the public – including the Committee of 100 – and with Councilmembers prior to the public roundtable. After the hearing further changes were made to the legislation and MOA in light of the testimony received at the roundtable. These changes are incorporated into

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the emergency and temporary legislation.

(e) The Gallery Place Project, a joint venture of Western Development Corporation and the Akridge Company, is a new retail entertainment attraction for District residents and visitors. The Project is a one million square-foot, mixed use project in downtown Washington, consisting of 263,000 square feet of entertainment and retail space – including a 14-screen Regal Cinema and leading national retailers – 230,000 square feet of office space, and 192 residential condominiums. The Project is located atop the Gallery Place Metro Station on 7th Street, N.W., between H and G Streets and is directly adjacent to the MCI Center.

(f) Both the comprehensive plan and Downtown Action Agenda identify Gallery Place as a lively entertainment district. Combined with the MCI Center, the Gallery Place Project is an anchor for the downtown and completes a missing piece of the city. The Office of Planning has testified that it feels strongly that this legislation furthers the goals of the Gallery Place Project, in which the city is already substantially invested. It will provide a needed mechanism to allow for creative and innovative signs, thus furthering the city's goal to create a vibrant destination, while still ensuring regulatory authority and design review.

(g) Well-designed signs and graphics are an important component to an entertainment district. Examples of entertainment venues that stand out partly due to their signage include the Lincoln Theater, ESPN Zone, and the Hard Rock Café. In contrast, offices and other businesses are appropriately subdued.

(h) This legislation is needed to provide the city with a mechanism, like those used in other jurisdictions, that allow signs and graphics that contribute to an entertainment district. For example, Boston has a review process that allows larger signs that are integrated into the design of a building. Through this legislation, we are proposing a similar review process for Gallery Place.

(i) The Office of Planning has testified that it finds a flexible design review for Gallery Place to be justified. They indicated that no other part of the city is comparable, nor should this be a precedent for large signs in other parts of the city. Gallery Place is the one area in which this type of signage is appropriate.

(j) The Office of Planning also distinguished the signs proposed for Gallery Place from "Special Signs." The proposed legislation permits large signs and graphics. All restrictions on advertising products or commodities actually sold on the premises still apply, as do area restrictions for advertising.

(k) While the proposed legislation does allow for greater square footage of signage than would be normally allowed under the current rules, it is far less than Gallery Place first requested. The proposed legislation as it was first submitted has been significantly revised with limits placed on signs and graphics to certain areas of the building. The placement emphasize 7th and H Streets.

(l) The legislation has been revised to ensure that the District government has authority for enforcement of the provisions of the bill, including the ability to take down non-compliant

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signs. The legislation places limits, restrictions, and requirements, including a design review that is unusual for an area outside of a historic district, on the 3 distinct signage areas that are defined in the illustrations and legislation. Moreover, regulations required as part of the Chinatown Design Review still apply. To ensure that these are met, the Office of Planning is included in the permit review process.

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

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-628

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare an emergency with respect to the need to exempt the Georgetown underground utility infrastructure upgrade project, known as the Georgetown Project, from the maximum noise level restrictions; to exempt the Georgetown Project from the limitations on after-hours work; to exempt the operators of emergency generator equipment from maximum noise level restrictions as necessary; to clarify the definition of noise disturbance to provide that the measurement of the noise decibel level is not required evidence of violations that occur outside the Central Employment Area, outside an area zoned manufacturing or industrial, or at night; to limit the exemption for music from religious services to exclude amplified sounds; to prohibit noise disturbances from motor vehicle stereo systems; to limit the duration of noise from motor vehicle alarm systems; to allow measurement of noise from 25 feet from the construction or demolition noise when the construction work is performed inside an occupied multi-unit apartment building, hospital, nursing home, community-based residential facility, or other similar facility which serves as a temporary or permanent dwelling for its residents; to expand the exemption for District-owned vehicles to allow residential refuse collection to begin at 6:00 a.m. during the months of June, July, and August and to clarify the meaning of operation of a trash collection vehicle; to raise the maximum fine for the violation of any provision of the Act from \$300 to \$1000; to require property owners and landlords to provide tenants with written notice and to comply with the District of Columbia Noise Control Act of 1977 when construction or maintenance work will occur in an occupied unit within an apartment building for over 48 hours and the noise from the work will exceed 60 decibels; and to adopt technical amendments to the District of Columbia Noise Control Act of 1977 Amendment Act of 1986.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgetown Project and Noise Control Amendment Emergency Declaration Resolution of 2004".

Sec. 2. (a) Permanent legislation, Bill 15-280, the Georgetown Project and Noise Control Amendment Act of 2004, would amend the District of Columbia Noise Control Act of 1977 and

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some other District laws in several ways. Bill 15-280 was introduced on May 22, 2003 by Chairman Cropp, at the request of the Mayor, and referred to the Committee on Consumer and Regulatory Affairs on May 28, 2003.

(b) The Committee held a Public Roundtable on the legislation on January 22, 2004. Among other purposes, the Georgetown Project and Noise Control Amendment Act of 2004 would expand the nighttime trash collection exemption for District-owned vehicles to allow residential refuse collection to begin at 6:00 a.m. during the months of June, July, and August.

(c) While the provisions in this legislation pertaining to the exemptions for the Georgetown Project have been introduced and passed by the Council on an emergency and temporary basis, it is particularly important to have in place the entire law so that the provisions that permit the District to collect trash earlier in the day in the summer months can go into effect this summer. The law would provide a new exemption to the nighttime trash collection prohibition for the collection of residential refuse by *District government-owned* vehicles so they may start to collect trash at 6:00 a.m. during the months of June, July, and August or when the daily high temperature is forecast to be above 90 degrees Fahrenheit.

(d) There exists an immediate crisis regarding residential trash collection by District employees during periods of severe heat. Severe heat in the District of Columbia is often accompanied by poor air quality. The performance of performing physical labor outdoors during periods of high heat or poor air quality often has an adverse affect on the respiratory health and general health and welfare of the individuals performing such labor.

(e) The collection of residential trash on schedule is necessary in order to protect the health, safety and welfare of District residents and visitors. The District of Columbia's residential trash collectors must work a full shift in order to ensure that trash is collected on schedule.

(f) Permitting residential trash collection to begin at 6:00 a.m. during the June, July and August and otherwise when the daily temperature is predicted to exceed 90 degrees Fahrenheit will protect the health and safety of the District's employees and permit residential trash to be collected on schedule. Consequently, it is necessary to pass the Georgetown Project and Noise Control Amendment Act of 2004 on an emergency basis so that it can take effect during the summer months of 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 Georgetown Project and Noise Control Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-630

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to clarify the office's jurisdiction over tax assessment protests and to provide that a person who has chosen to challenge a proposed tax assessment by appealing to the office is deemed to have waived a challenge to the proposed tax assessment in any other forum, to provide that a board or commission may delegate its authority to hear occupational or professional licensing and discipline cases to the office, with the office's final order appealable to the board or commission; and to amend Title 47 of the District of Columbia Official Code to make conforming changes to reflect the Office of Administrative Hearings' jurisdiction for tax assessment protests.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Administrative Hearings Establishment Emergency Declaration Resolution of 2004".

Sec. 2. (a) Bill 15-817, the Office of Administrative Hearings Establishment Amendment Act of 2004, is scheduled for final reading by the Council of the District of Columbia at its July 13, 2004 legislative meeting. Nevertheless, this legislation is unlikely to become law until early in 2005 due to Congressional review.

(b) Certain provisions of Bill 15-817 are time-sensitive and need to be enacted expeditiously. For example, language in Bill 15-817 that explicitly authorizes the Office of Administrative Hearings ("Office") to render final decisions in cases delegated by health-related occupational and professional licensing boards must be enacted so that the Office can resolve 32 cases that remain in limbo until this issue is clarified. These cases involve decisions concerning licensing and discipline matters, including reprimands, fines, and suspensions or revocations of licenses that arise from many different boards, including the boards of dentistry (1 case), massage therapy (2 cases), medicine (8 cases), nursing (12 cases), pharmacy (4 cases), professional counseling (1 case), psychology (2 cases), respiratory care (1 case), and social work

(1 case).

(c) In addition, provisions in Bill 15-817 concerning the Office's adjudication of tax appeals need to be enacted before October 1, 2004, because the Office will assume jurisdiction for tax appeals on that date. In particular, a provision specifying that protesters must select either the Office or the Superior Court of the District of Columbia as the exclusive forum for pursuing a case needs to be enacted prior to October 1, 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 Office of Administrative Hearings Establishment Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to establish a nonlapsing proprietary fund designated as the Low-Income Housing Tax Credit Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Low-Income Housing Tax Credit Fund Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Internal Revenue Service ("IRS") has informed the Department of Housing and Community Development ("DHCD") that it is not complying with the monitoring requirements under the Internal Revenue Code's Low-Income Housing Tax Credit Program ("LIHTC").

(b) The IRS noted that DHCD was insufficiently capitalized and under-equipped to manage and monitor the LIHTC program and that these funding and monitoring issues must be corrected by November 1, 2004, or the District is in jeopardy of losing its LIHTC eligibility.

(c) Under current federal law, the District is mandated to charge fees for the LIHTC program to developers or recipients of low-income housing tax credits ("recipients"), including application, reservation, allocation, and monitoring fees.

(d) DHCD currently charges developers and recipients application, reservation and allocation fees, but not monitoring fees.

(e) DHCD is unable to retain the fees it charges, which go to the District's General Fund, because of the lack of an authorized segregated fund.

(f) The fees to be deposited in the segregated fund will be used for the costs of operating and managing the LIHTC program.

(g) Over the 17-year existence of the District's LIHTC program, approximately 10,851 units of affordable housing have been constructed or renovated, which accounts for more than \$1 billion leveraged through the program.

(h) Over the past 5 years of the program, when the IRS increased the District's LIHTC allocation from \$400,000 to \$2 million, most of the 10,851 units of affordable housing assisted with the program were built or renovated.

(i) DHCD must have the authority to retain the fees charged to developers and recipients in order to comply with the federal monitoring requirements and to avoid termination of the District's LIHTC program.

Sec. 3. The Council finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Low-Income Housing Tax Credit Fund Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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15-636

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of an aggregate principal amount not to exceed \$25 million of District of Columbia Revenue Bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the AARP Foundation, in the financing, refinancing, or reimbursing of costs associated with an authorized project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "AARP Foundation Revenue Bonds Project Emergency Declaration Resolution of 2004".

Sec. 2. The Council finds that:

(1) AARP Foundation ("Borrower") has requested that the District issue revenue bonds (the "Bonds").

(2) The proposed financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for costs of:

(A) The financing and refinancing of all or a portion of the costs of the acquisition and renovation of office condominium space, including land, buildings, improvements and personal property of the Borrower located at 601 and 611 E Street, N.W., Washington, D.C.;

(B) Funding if necessary or appropriate of 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.

(3) Because the Borrower has requested that the District issue its revenue bonds as soon as possible because changing conditions in the bond market may quickly erode the savings available to the Borrower, and since the Council will go into summer recess in July, it is important that the Council expedite the process for the issuance of the Bonds by the District.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the AARP Foundation Revenue Bonds Project Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-637

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$25 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 AARP Foundation 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 "AARP Foundation Revenue Bonds Project Emergency 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 AARP Foundation, 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.

(10) "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.*).

(11) "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.

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

(13) "Project means:

(A) The financing and refinancing of all or a portion of the costs of the acquisition and renovation of office condominium space, including land, buildings, improvements and personal property of the Borrower, located at 601 and 611 E Street, N.W.;

(B) Funding if necessary or appropriate of 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.

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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 \$25 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

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

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$25 million; and

(2) The making of the Loan.

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

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District, in connection with the issuance, sale, and delivery of each series of the Bonds; the District 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

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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

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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

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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

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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

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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

15-638

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to authorizing and providing for the issuance, sale, and delivery of an aggregate principal amount not to exceed \$2.9 million of District of Columbia Revenue Bonds in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Barbara Chambers Children's Center, a District of Columbia nonprofit corporation, in the financing, refinancing, or reimbursing of costs associated with an authorized project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Barbara Chambers Children's Center Revenue Bond Project Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Barbara Chambers Children's Center ("Children's Center") is a nonprofit corporation organized under the laws of the District of Columbia which seeks to have District of Columbia Revenue Bonds issued and receive a loan of the proceeds for the financing, refinancing or reimbursing of costs associated with the acquisition, construction, renovation and equipping of the building and related grounds that the Children's Center now occupies at 1470 Irving Street, N.W., Washington, D.C. 20010 (Square 2672, Lot 0881).

(b) Interest rates on the tax-exempt bonds are presently low, but recent market indicators show that interest rates will likely increase over the next few weeks. In order for the Children's Center to maximize interest savings on the District of Columbia revenue bonds, the issuance needs to occur as soon as possible.

(c) Council approval of a bond resolution authorizing the issuance of up to \$2.9 million of District of Columbia revenue bonds would permit the bonds to be issued as promptly as possible to provide maximum savings for the Children's Center.

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 "Barbara Chambers Children's Center Revenue Bond Project Emergency Approval Resolution of 2004" be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-639

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$2.9 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 Barbara Chambers Children's Center 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 "Barbara Chambers Children's Center Revenue Bonds Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds which shall be the Barbara Chambers Children's Center, a nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes 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.

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

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

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

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

(11) "Project" means:

(A) The financing, refinancing or reimbursing of the Borrower of the costs of acquisition, construction, renovation and equipping of an existing building and related grounds at 1470 Irving Street, N.W., Washington, D.C. 20010 (Square 2672, Lot 0881) by the Barbara Chambers Children's Center;

(B) The funding if necessary or appropriate of any capital costs;

(C) The funding of any necessary deposit to a debt service reserve fund or any other reserve fund;

(D) The financing of a portion of the costs of issuance; and

(E) The payment of costs for any necessary 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,

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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 \$2.9 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 a facility used to house and equip operations related to social services and contributes to the education 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 \$2.9 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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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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's manual or facsimile signature.

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

Documents to which the District is a party.

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

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Sec. 11. District officials.

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

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

Sec.12. Maintenance of documents.

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

Sec.13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

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

15-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve, on an emergency basis, the proposed disposition of certain vacant land that is a portion of the area known as the Anacostia Northern Gateway Site, at the intersection of Martin Luther King, Jr., Avenue and Good Hope Road, S.E., as surplus property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Certain Vacant Land That is a Portion of the Area Known as the Anacostia Northern Gateway Site Approval Resolution of 2004".

Sec. 2. (a) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)) ("Act"), the Mayor transmitted to the Council a request for Council approval of the proposed disposition of the "Main Body" of Square 5601 and that portion described as the "Easement Portion" of Square 5601, Lots 13, 14, 15, 16, 17, 803, 836, 852, 844 and parts of Lots 845, 843, and 53 ("Property"), also known as a portion of the Anacostia Northern Gateway Site.

(b) The Mayor and the Council have determined that the Property is no longer needed for use by the District government.

(c) The Council, finding that the Property is no longer required for public purposes, hereby approves the negotiated sale of the Property to the Anacostia Gateway, LLC, for development of a mixed-use commercial/retail building in accordance with the proposed Land Disposition and Purchase Agreement between the District government and the Anacostia Gateway, LLC.

(d) If the Property, or any portion thereof, is not used for the purposes authorized in this resolution or in the Land Disposition and Purchase Agreement between the District government and the Anacostia Gateway, LLC, the District of Columbia may reacquire the Property in accordance with section 1(e) of the Act (D.C. Official Code § 10-801(e)).

Sec. 3. The Mayor has taken the necessary steps to ensure continuous community input regarding the proposed disposition of the Property, as required by section 1(f) of the Act (D.C. Official Code § 10-801(f)).

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Sec. 4. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chief Financial Officer, and the Anacostia Gateway, LLC.

Sec. 6. This resolution shall take effect immediately.

A RESOLUTION

15-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

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

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

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

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

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-647

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 12, 2004

To declare the existence of an emergency with respect to the need to amend the District of Columbia Procurement Practices Act of 1985 and the Reprogramming Policy Act of 1980 to extend the Council review period for proposed contracts and reprogramming requests, where a disapproval resolution has been introduced during the period of July 15, 2004 through August 15, 2004.

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

Sec. 2. (a) The Mayor and the Chief Financial Officer have requested that the Council extend the time period for Council review of contracts, reprogramming requests, and budget modification grants to allow the Mayor to submit these documents to the Council during the period of July 15 through August 15, 2004.

(b) To accommodate the Mayor and insure that the Council has an opportunity to review the documents before they are deemed approved or disapproved by operation of law, the Council must amend existing law to extend the Council's review periods.

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 Council Review Extension Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-648

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to declare as surplus property the Nichols Avenue School building and site, to be subdivided by the Mayor, located at 2427 Martin Luther King Avenue, S.E., on a portion of Lot 807 in Square 5789 and a portion of Lot 1024 in Square 5860, and approving the disposition thereof, by negotiated sale, to the Thurgood Marshall Academy Public Charter High School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Nichols Avenue School Approval Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Mayor proposes to subdivide a portion of Lot 807 in Square 5789 and a portion of Lot 1024 in Square 5860. The subdivided lot shall include the Nichols Avenue School building and a portion of the surrounding property (the Nichols Avenue School building and the surrounding property, as subdivided by the Mayor, shall be collectively referred to as the "Nichols Avenue School"). The subdivision shall be prepared in the reasonable discretion of the Mayor, in keeping with the Concept Plan, dated December 29, 2003, submitted to the Mayor by the Thurgood Marshall Academy Public Charter High School ("TMA").

(b) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)) ("Act"), the Mayor transmitted to the Council a request for approval of the disposition of the Nichols Avenue School. Absent emergency action by the Council, approval of the disposition would have to await the Council's return from recess in September 2004 – over 2 months from now.

(c) TMA's goal is to complete major renovation and expansion of the Nichols building by August 2005. The design/build team has been moving rapidly and is prepared to request a building permit on July 19, 2004; however, that permit cannot be requested by TMA if TMA does not own the property.

(d) The Nichols building is in very poor physical condition and continues to deteriorate. Holes in the walls and roof of the structure have resulted in extensive water and mold damage – factors that cause the renovation costs to escalate with every rainfall.

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(e) TMA has already outgrown its current facility, and in fact, must move some staff off site for the upcoming school year. TMA must relocate to the Nichols building by August 2005 as the population continues to grow and the current facilities do not meet the full educational needs of the students.

(f) TMA is negotiating with several lenders to finance the \$10 million project. Significant delays in transferring the Nichols building to TMA will jeopardize the continued availability and current pricing of these financing options.

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 Disposition of Nichols Avenue School Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-649

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare, on an emergency basis, as surplus property the Nichols Avenue School building and Site, to be subdivided by the Mayor, located at 2427 Martin Luther King Avenue, S.E., on a portion of Lot 807 in Square 5789 and a portion of Lot 1024 in Square 5860, and to approve the disposition thereof, by negotiated sale, to the Thurgood Marshall Academy Public Charter High School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposition of Nichols Avenue School Emergency Approval Resolution of 2004".

Sec. 2. (a) The Mayor proposes to subdivide a portion of Lot 807 in Square 5789 and a portion of Lot 1024 in Square 5860. The subdivided lot shall include the Nichols Avenue School Building and a portion of the surrounding property (the Nichols Avenue School Building and the surrounding property, as subdivided by the Mayor, shall be collectively referred to as the "Nichols Avenue School"). The subdivision shall be prepared in the reasonable discretion of the Mayor, in keeping with the Concept Plan, dated December 29, 2003, submitted to the Mayor by the Thurgood Marshall Academy Public Charter High School ("TMA").

(b) Pursuant to section 1(b)(2) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(2)) ("Act"), the Mayor transmitted to the Council a request for approval of the disposition of the Nichols Avenue School.

(c) The Council has determined that the Nichols Avenue School is no longer required for public purposes.

(d) The Council hereby approves the negotiated sale of the Nichols Avenue School to the Thurgood Marshall Academy Public Charter High School for redevelopment as a public charter school.

(e) If the Nichols Avenue School, or any portion thereof, is not used for the purposes authorized in this resolution or in the sales agreement between the District government and the Thurgood Marshall Academy Public Charter High School, the District of Columbia may reacquire the Nichols Avenue School in accordance with section 1(e) of the Act.

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Sec. 3. The Mayor has taken the necessary steps to ensure continuous community input regarding the disposition of the Nichols Avenue School as required by section 1(f) of the Act.

Sec. 4. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chief Financial Officer, and the Charter School Development Corporation.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-652

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 tax increment financing for the DC-USA Project, a mixed use project in Square 2674 at 14th and Irving Streets, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds DC-USA Emergency Declaration Resolution of 2004".

Sec. 2. (a) There is a critical need for the DC-USA development in Square 2674 at 14th and Irving Streets, N.W. (the "Project"), which will promote the District's economic development goals, provide approximately 460,000 square feet of high-quality retail development with associated below-grade parking, create approximately 1,000 new permanent jobs for District residents, and provide millions of dollars of revenues to the District treasury.

(b) On January 17, 2003, A Land Disposition and Development Agreement was entered into between RLA Revitalization Corporation and DC-USA Operating Co. LLC (the "LDA").

(c) The LDA provides in part that the parties to the LDA acknowledge that the implementation of the "Development Plan" for the Project requires "Public Financing" as described in the LDA.

(d) The parties the LDA, the Mayor and the Chief Financial Officer, have agreed on the structure for the Public Financing component of the Project. The Office of the Deputy Mayor for Economic Development has determined that the Project meets the designation of Special Merit pursuant to Chapter 6 of Title 10 of the District of Columbia Municipal Regulations.

(e) Due to the uncertainties fo the financing markets, the prospect of rising interest rates, rising construction costs, and the desire by all parties that construction on the Project commence in 2004 or early 2005 emergency action by the Council is required at this time.

(f) The Project has been the subject of several public meetings and hearings and has received the support of the Advisory Neighborhood Commission and the community.

(g) The developer of the Project has entered into letters of intent with several lead tenants for occupancy of space within the Project.

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(h) Tax increment financing is critical to enable the Project to proceed. The debt and equity financing sources for the Project are in place and TIF financing is necessary for closing on the equity and debt pieces of the financing.

(i) Prompt commencement of the proposed Project will promote the welfare of the residents of the District of Columbia and ensure that the vitally needed benefits to be derived from the Project are made available to the District as soon as possible; specifically, both the developer and the District recognize the need to provide quality retail facilities in the District at the earliest possible date.

(j) The prompt enactment of the Tax Increment Revenue Bonds DC-USA Emergency Approval Resolution of 2004 will permit work on the proposed development to begin expeditiously.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Tax Increment Revenue Bonds DC-USA Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-653

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve, on an emergency basis, tax increment financing for the DC-USA Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds DC-USA Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Act" means the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).

(2) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code and payments in lieu of real property taxes, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 807; D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District.

(3) "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 the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(4) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated by the DC-USA Project, less the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the respective base year, as certified by the Chief Financial Officer.

(5) "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.

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

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

(8) "Developer" means the National Capital Revitalization Corporation, any subsidiary thereof, or any assignee thereof, which assignee shall be subject to the prior express written approval of the Mayor.

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(9) "Development Costs" shall have the same meaning as in the Act.

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

(11) "DC-USA Project" means a retail development project of at least 465,000 square feet anchored by a Target store of approximately 180,000 square feet and co-tenanted by other prominent national retailers and an underground multi-level parking garage as described in section 3.

(12) "Term Sheet" means the preliminary term sheet attached which details certain commitments of the District and the National Capital Revitalization Corporation to finance the construction of the DC-USA Project.

(13) "TIF Note" means a Bond in an amount not more than the total amount authorized by this resolution and issued to the Developer of the DC-USA Project to reimburse the Developer for that portion of Development Costs incurred in connection with the development and construction of the DC-USA Project that is not reimbursed from revenues payable to the Developer in connection with the DC-USA Project.

Sec. 3. Establishment of DC-USA Project TIF Area; allocation of tax increments.

(a) There is hereby established the "DC-USA Project TIF Area," which shall consist of the following parcels and lots and squares: Square 2674, Lot 0866; Square 2674, Lot 0720; Square 2674, Lot 0863; Square 2674, Lot 0832; Square 2674, Lot 0812; Square 2674, Lot 0869; Square 2674, Lot 0719; Square 2674, Lot 0872; Square 2674, Lot 0870; and Square 2674, Lot 0871.

(b) There is hereby allocated to the repayment of the Bonds 100% of the Available Tax Increment attributable to the DC-USA Project TIF Area. The Available Real Property Tax Revenues shall be calculated based upon the assessed value of the real property comprising the DC-USA Project TIF Area as of the base year beginning January 1, 2004 as certified by the Chief Financial Officer. The Available Sales Tax Revenues shall be calculated based upon the sales tax revenue for base year 2003 as certified by the Chief Financial Officer.

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 \$42 million. An amount not to exceed \$40 million shall be used for Development Costs of a parking facility for the DC USA Project and an amount not to exceed \$2 million shall be used for Development Costs for a small business assistance program around the DC USA Project Area. The program shall be implemented through a Memorandum of Understanding between the Developer and the Office of the Deputy Mayor for Planning and Economic Development and administered through the reStore Program. The Memorandum of Understanding shall provide the \$2 million shall be deposited with a corporate trustee for disbursement for Development Costs upon instructions of the Deputy Mayor for Planning and Economic Development. The Deputy Mayor shall submit an annual report to the Council, which report shall detail funds expended, the number of small businesses assisted, and other metrics of program impact and efficiency. The report shall also include a financial analysis of all direct and indirect costs of program management as well as such information for any grantees of the program.

(3) The interest rate on the Bonds shall be not more than 7.5% per annum.

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(4) The final maturity of the Bonds shall be 25 years from the date of issuance.

(5) The Bonds shall be secured by a pledge of the tax increment allocated to the DC-USA Project pursuant to section 3(b).

(6) The Bonds shall be issued not later than 2 years from the date of approval of this resolution.

(b) The Bonds may have any other terms and conditions consistent with this resolution and the 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 TIF Note.

Sec. 5. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

15-654

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act, 1925, to establish the crime of fleeing from a law enforcement officer in a motor vehicle, and to establish penalties for the commission of the crime.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fleeing Law Enforcement Prohibition Emergency Declaration Resolution of 2004".

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

(1) Reckless drivers are endangering public safety in the District of Columbia. This situation is associated with increased criminal activity in the neighborhoods and has created a financial burden on community members. Danger to public safety due to reckless drivers is heightened during the summer months when children are out of school.

(2) Current law does not penalize fleeing from law enforcement officers.

(3) This emergency legislation will authorize law enforcement officers and prosecutors to seek criminal sanctions against reckless drivers.

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 Fleeing Law Enforcement Prohibition Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-658

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 tax increment financing for the Corcoran Gallery of Art Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds Corcoran Gallery of Art Project Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Committee on Finance and Revenue has held a public roundtable, and meeting to successfully mark up the Tax Increment Revenue Bonds Corcoran Gallery of Art Project Emergency Approval Resolution of 2004.

(b) The Chief Financial Officer's fiscal impact statement of June 28, 2004 indicated that funds are not sufficient in the proposed Fiscal Year 2005 through Fiscal Year 2008 budget and financial plan to implement the Tax Increment Revenue Bonds Corcoran Gallery of Art Project Approval Resolution of 2004.

(c) As such, the fiscal effect of the underlying emergency resolution providing tax increment financing to the Corcoran Gallery of Art must be made subject to the inclusion of its fiscal effect in an approved budget and financial plan.

(d) Under the Tax Increment Financing Authorization Act of 1998, only the Mayor may submit a TIF approval resolution to the Council and resolutions of this nature cannot be amended by the Council.

(e) As such, the approval resolution has been amended to include a statement providing for the fiscal effect of the approval resolution.

(f) To provide for the approval of tax increment financing for the Corcoran Gallery of Art project on a timely basis, and in keeping with the Council's timely actions to date, the underlying emergency approval resolution must be passed on an emergency basis.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Tax Increment Revenue Bonds Corcoran Gallery of Art Project Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-659

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To approve, on an emergency basis, tax increment financing for the Corcoran Gallery of Art Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Revenue Bonds Corcoran Gallery of Art Project Emergency Approval Resolution of 2004".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

- (1) "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.
- (2) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.
- (3) "Council" means the Council of the District of Columbia.
- (4) "Development Agreement" means the Development Agreement between the District and the Development Sponsor setting forth the terms and conditions upon and pursuant to which the District will issue the Bonds and the Development Sponsor will develop the Project.
- (5) "Development costs" has the same meaning as given the term in the TIF Act.
- (6) "Development Sponsor" means the Corcoran Gallery of Art, a nonprofit corporation created by a Special Act of the Congress of the United States of America.
- (7) "District" means the District of Columbia.
- (8) "Downtown TIF Area" is the TIF area established by the District of Columbia Tax Increment Revenue Bond Downtown TIF Area Emergency Approval Resolution of 2001, effective November 6, 2001 (Res. 14-257; 48 DCR 10582), and the Tax Increment Revenue Bond Downtown TIF Area Base Year Emergency Approval Resolution of 2002, effective February 5, 2002 (Res. 14-364; 49 DCR 1255).
- (9) "Eligible Project" has the same meaning as given the term in the TIF Act.
- (10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Code § 1-201.01 *et seq.*).
- (11) "Project" means the financing, refinancing, or reimbursing of costs incurred for the construction of an approximately 140,000 gross square foot addition to the Development Sponsor's existing building as well as the renovation of the existing building, including a new roof and mechanical systems, located in the Downtown TIF Area, all subject to and in accordance with the Development Agreement.
- (12) "Reserve Agreement" means that certain Reserve Agreement, dated as of April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc.
- (13) "Tax Increment" has the same meaning as given the term in the Home Rule

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Act.

(14) "TIF Act" means the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*).

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the District may issue 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; that the act or resolution of the Council authorizing the issuance thereof may provide for a security interest in available revenues of the District, including dedicated taxes and fees, to secure the repayment of the revenue bonds, notes or other obligations; and that the dedicated taxes and fees includes tax increments as defined therein.

(2) The TIF Act provides, pursuant to section 490 of the Home Rule Act, for the issuance by the Chief Financial Officer of TIF Bonds, as defined in the TIF Act, to finance development costs of Eligible Projects.

(3) The Development Sponsor has requested the District to issue and deliver Bonds, in one or more series, for the purpose of financing or reimbursing the Development Sponsor for a portion of the development costs of the Project.

(4) The Chief Financial Officer has certified the Project in accordance with section 4 of the TIF Act as constituting special merits.

(5) The Project is expected to produce public benefits for the District as follows:

(A) The approximately 140,000 square foot addition to the Development Sponsor's existing building designed by Frank Gehry is expected to provide a unique destination attraction for tourists given Mr. Gehry's worldwide architectural reputation which will generate additional revenues for the District.

(B) The expansion will also generate construction spending and the expansion of the Development Sponsor's facilities will result in the creation of new jobs and other economic benefits to District residents.

(C) The Project will enhance the cultural and educational benefits derived from the Development Sponsor's operations to the benefit of District residents.

Sec. 4. Allocation of tax increments from Downtown TIF Area; approval of development agreement.

(a) There is hereby allocated to the Project and to the payment of debt service on the Bonds the Available Increment, as defined in the Reserve Agreement, subordinate to the allocation of Available Increment to the Budgeted Reserve, as defined in the Reserve Agreement, all as more fully described in the Reserve Agreement. The termination date for the allocation of Available 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 pursuant to the trust indenture for the Bonds or other instrument pursuant to which the Bonds are issued.

(b) The Development Agreement is hereby approved in substantially the form heretofore submitted to the Council. The Mayor and the Chief Financial Officer are hereby authorized to execute and deliver the Development Agreement on behalf of the District. The Mayor and the Chief Financial Officer are further authorized to execute and deliver on behalf of the District any amendments or supplements to the Development Agreement that may be determined by the Mayor and the Chief Financial Officer to be in the best interests of the District and consistent

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with the purpose and intent of this resolution, as provided in the Development Agreement. The execution by the Mayor and the Chief Financial Officer of any amendment or supplement to the Development Agreement shall be conclusive evidence of the determination.

Sec. 5. Bond terms; execution.

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

- (1) The Bonds shall be issued pursuant to the provisions of certain financing documents.
- (2) The aggregate principal amount of the Bonds to be issued hereunder shall not exceed \$40 million.
- (3) The interest rate or rates on the Bonds, whether variable or fixed, shall not exceed 7.5% per annum.
- (4) The final maturity of the Bonds shall not exceed 20 years.
- (5) The Bonds shall be secured by a pledge of the Tax Increments allocated to the Project pursuant to section 4(a).

(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 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Tax Increment Revenue Bonds Corcoran Gallery of Art Project Approval Resolution of 2004, approved by the Committee on Finance and Revenue on July 7, 2004 (Committee print of Proposed Resolution 15-913), 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. Inclusion in an approved budget and financial plan.

This resolution shall be subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 8. Transmission of resolution.

The Secretary to the Council of the District of Columbia shall transmit a copy of this Resolution, upon its adoption, to the Mayor of the District of Columbia and the Chief Financial Officer of the District of Columbia.

Sec. 9. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

15-660

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency, with respect to the need to provide guidance on the calculation and distribution of funds to District of Columbia Public Schools and Public Charter Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public School Enrollment Integrity Emergency Declaration Resolution of 2004".

Sec. 2. The Public School Enrollment Integrity Temporary Amendment Act of 2003, effective February 6, 2004 (D.C. Law 15-67), will expire on September 18, 2004. The Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 will maintain in effect the guidance for student counts, calculations, distributions of payments and other details for Public Charter Schools that need to be clarified before the new academic year begins for the District of Columbia Public Schools and Public Charter Schools.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-661

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2004

To declare the existence of an emergency with respect to the need to exempt the Veterans of Foreign Wars Department of the District of Columbia, a nonprofit organization that benefits the women and men who have fought on behalf of the United States of America, from real property taxation and to provide equitable real property tax relief for the organization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to provide real property tax relief for property owned, occupied, and used by the Veterans of Foreign Wars Department of the District of Columbia, located at 1601 Kenilworth Avenue, N. E., Washington, D.C.

(b) The Veterans of Foreign Wars Department of the District of Columbia is a nonprofit organization that benefits the women and men who have fought on behalf of the United States of America.

(c) Temporary legislation, currently in effect to provide the needed real property tax relief, will expire on July 21, 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 Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.