

A RESOLUTION

15-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the reappointment of Mr. Mamadi Diané to the Metropolitan Washington Airports Authority Board of Directors

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Metropolitan Washington Airports Authority Board of Directors Mamadi Diané Confirmation Resolution of 2003".

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

Mr. Mamadi Diané
1800 Shepherd Street, NW
Washington, DC 20011-5344
(Ward 4)

as a member of the Metropolitan Washington Airports Authority Board of Directors, established by section 6007(e) of the Metropolitan Washington Airports Act of 1986, approved October 30, 1986 (100 Stat. 3341; D.C. Official Code § 9-1006(e)), for a term to end January 5, 2009.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the reappointment of Mr. Alberto Gomez to the District of Columbia Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Local Business Opportunity Commission Alberto Gomez Confirmation Resolution of 2003".

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

Mr. Alberto Gomez
7810 13th Street, N.W.
Washington, D.C. 20019
(Ward 4)

as a member of the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Official Code § 2-215.03), for a term to end March 28, 2005.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-335

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the appointment of Mr. James L. Powell, Jr., to the District of Columbia Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Local Business Opportunity Commission James L. Powell, Jr. Confirmation Resolution of 2003".

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

Mr. James L. Powell, Jr.
1309 46th Street, N.E.
Washington, D.C. 20019
(Ward 7)

as a member of the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Official Code § 2-215.03), replacing Kevin Anderson, whose term ended March 28, 2003, for a term to end March 28, 2005.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-336

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the appointment of Mr. Richard F. Johns to the District of Columbia Local Business Opportunity Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Local Business Opportunity Commission Richard F. Johns Confirmation Resolution of 2003".

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

Mr. Richard F. Johns
69 U Street, N.W.
Washington, D.C. 20001
(Ward 5)

as a member of the District of Columbia Local Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Official Code § 2-215.03), replacing Timothy R. Robinson, whose term ended March 28, 2003, for a term to end March 28, 2005.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-337

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the Mayoral appointment of Mr. James D. Brown, Jr., as the Executive Director of the Office of Cable Television and Telecommunications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Executive Director of the Office of Cable Television and Telecommunications James D. Brown, Jr. Confirmation Resolution of 2003".

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

Mr. James D. Brown, Jr.
1323 Irving Street, N.W.
Washington, D.C. 20010
(Ward 1)

as the Executive Director of the Office of Cable Television and Telecommunications, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), and section 201 of the Cable Televisions Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1252.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-338

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To approve the proposed rules to adopt the ICC International Construction Codes and a new District of Columbia Construction Codes Supplement and to readopt the NFPA National Electric Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Construction Codes Amendments Approval Resolution of 2003".

Sec. 2. Pursuant to section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216, D.C. Official Code, § 6-1409), the Mayor transmitted to the Council on October 3, 2003 proposed rules (published at 50 DCMR 6454) to adopt the ICC International Construction Codes, the District of Columbia Construction Codes Supplement, and to readopt the NFPA National Electrical Code. The Council approves the rules as proposed by the Department of Consumer and Regulatory Affairs.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Consumer and Regulatory Affairs.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-339

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To approve, in part, and disapprove, in part, proposed rules to implement the provisions of Title 25 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Revised Alcoholic Beverage Regulations Approval and Disapproval Resolution of 2003".

Sec. 2. Pursuant to D.C. Official Code § 25-211(a)(2), the Mayor transmitted to the Council on November 3, 2003 proposed rules (published at 50 DCMR 8545) to implement the provisions of Title 25 of the District of Columbia Official Code. The Council approves the proposed rules, except as follows:

- (1) Section 400.1(a) is disapproved.
- (2) The word "substantially" in section 400.1(b) is disapproved.
- (3) The word "substantial" in section 400.1(c) is disapproved.
- (4) The word "material" in section 401.1 is disapproved.
- (5) Section 905 is disapproved.
- (6) The phrase "in its sole discretion," in section 1503.2 is disapproved.
- (7) The phrase "or by Referendum petition, as set out in Chapter 18 of this title" in section 1505.3 is disapproved.
- (8) Section 1602.5 is disapproved.
- (9) The phrase "or each person initiating the Referendum Petition Process" in section 1602.6 is disapproved.
- (10) The phrase "or denial of the right to circulate Referendum Petitions" in section 1602.7 is disapproved.
- (11) The phrase "or the Referendum Petition may be initiated" in section 1602.10 is disapproved.
- (12) The phrase "or denial of the right to circulate referendum petitions" in section 1603.3 is disapproved.
- (13) The phrase "which rebuts, or contradicts, the evidence and testimony presented by the applicant" in section 1606.6 is disapproved.

ENROLLED ORIGINAL

(14) Section 1607.1 is disapproved.

(15) The sentence "The applicant shall be deemed to have selected the "locality" geographic area should it fail to submit boundaries to the Board within the ten (10) calendar day period." in section 1607.2 is disapproved.

(16) The phrase "no later than ten (10) calendar days" in section 1607.3 is disapproved.

(17) The phrase ", regardless of whether Referendum Petitions are filed," in section 1607.8 is disapproved.

(18) The sentence "The Board's decision with regard to the selection of boundaries shall be final and may not be appealed to any Court in the District of Columbia, nor shall it be a proper subject for a petition for reconsideration filed with the Board." in section 1607.11 is disapproved.

(19) Section 1609.1, 1609.4, 1609.5, and 1609.7 is disapproved.

(20) The sentence "The Board shall only summarily revoke a license pursuant to D.C. Official Code § 25-826 if the licensee has had its license previously suspended by the Board for incidents and safety occurring within the last two years." in section 1610.2 is disapproved.

(21) The phrase "and, as appropriate, to the Referendum Petition process" in section 1700.1 is disapproved.

(22) The phrase ", or a Referendum Petition proceeding" in section 1703.1 is disapproved.

(23) The phrase "two (2) types of" in section 1800.1 is disapproved.

(24) Sections 1800.1(b), 1800.3, 1800.4, and 1801 are disapproved.

(25) The phrase ", according to the procedures set out in § 1805 of this chapter" in section 1802.6 is disapproved.

(26) Sections 1803, 1804, 1805, and 1806 are disapproved.

(27) Section 1903.1 and 1903.4 is disapproved.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to both the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To approve proposed rules setting forth a schedule of civil penalties for violations of Title 25 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Regulation Civil Penalty Schedule Regulations Approval Resolution of 2003".

Sec. 2. Pursuant to D.C. Official Code § 25-830(a), the Mayor transmitted to the Council on November 3, 2003 proposed rules (published at 50 DCMR 8545) setting forth a schedule of civil penalties for violations of Title 25 of the District of Columbia Official Code. The Council approves the proposed rules setting forth a schedule of civil penalties for violations of Title 25 of the District of Columbia Official Code.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-341

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the reappointment of Mr. James S. Kane to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board James S. Kane Confirmation Resolution of 2003".

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

Mr. James S. Kane
1426 Rhode Island Avenue, N.W., Unit C
Washington, D.C. 20005
(Ward 2)

as a historian member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), pursuant to section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2006.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the reappointment of Ms. Amy Weinstein to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Amy Weinstein Confirmation Resolution of 2003".

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

Ms. Amy Weinstein
2311 Connecticut Avenue, N.W.
Washington, D.C. 20008
(Ward 1)

as an architect member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), pursuant to section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2006.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the reappointment of Mr. Ronnie W. McGhee to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Ronnie W. McGhee Confirmation Resolution of 2003".

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

Mr. Ronnie W. McGhee
925 S Street, N.W.
Washington, D.C. 20001
(Ward 2)

as an architect member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), pursuant to section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2006.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-344

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the appointment of Mr. Jacque D. Patterson to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Jacque D. Patterson Confirmation Resolution of 2003".

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

Mr. Jacque D. Patterson
3521 21st Street, S.E.
Washington, D.C. 20020
(Ward 8)

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), pursuant to section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), completing the unexpired term of Margaret Milner Richardson, which will end July 21, 2006.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-345

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Preservation Review Board Anne McCutcheon Lewis Confirmation Resolution of 2003".

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

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

as a public member of the Historic Preservation Review Board, established by Mayor's Order 83-119, issued May 6, 1983 (30 DCR 3031), pursuant to section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), completing the unexpired term of Desa J. Sealy-Ruffin, which will end July 21, 2004.

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

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-346

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare as surplus property the real property legally described as Square E-710, Lot 801, that the Council finds is no longer needed for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Declaration of Square E-710, Lot 801 as Surplus Property Resolution of 2003".

Sec. 2. (a) Pursuant to section 1(a) 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 (33 Stat. 1211; D.C. Official Code § 10-801(a)), the Mayor transmitted to the Council, on April 28, 2003, a request that the Council find that Square E-710, Lot 801 is no longer required for public purposes.

(b) The Council finds that Square E-710, Lot 801 is no longer required for public purposes, and hereby declares it surplus.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

15-347

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Draft Master Plan for Public Reservation 13 Approval Act of 2002 to provide that Reservation 13 Benefit Area funds may be used to fund infrastructure improvements within the Reservation 13 Benefit Area and to provide health care to the uninsured residents of the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Draft Master Plan for Public Reservation 13 Congressional Review Emergency Amendment Declaration Resolution of 2003".

Sec. 2. (a) In February 2003, the Council enacted the Draft Master Plan for Public Reservation 13 Temporary Amendment Act of 2003, effective May 3, 2003 (D.C. Act 15-21; 50 DCR 2132) ("Temporary Act"). The Temporary Act allows the District to use incremental tax revenues and lease and sale proceeds generated from the site to fund infrastructure associated with the proposed development on Reservation 13 and health care for uninsured residents of the District, which created a flexibility in funding that encourages development of the planned uses on the site. The Temporary Act expires on December 14, 2003.

(b) Permanent legislation, the Draft Master Plan for Public Reservation 13 Amendment Act of 2003, signed by the Mayor on October 24, 2003 (D. C. Act 15-198), was transmitted to Congress on November 4, 2003, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until January 22, 2004.

(c) It is important that the provisions of the Temporary Act continue in effect, without interruption, until the permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Draft Master Plan for Public Reservation 13 Congressional Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to distribute payments 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 Clarification Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Public School Enrollment Integrity Clarification Temporary Amendment Act of 2003 is pending before the U.S. Congress and is expected to become law on January 22, 2004.

(b) The Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 will expire on January 5, 2004.

(c) If the Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 is not enacted, a gap in the law will result.

(d) The Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 will maintain in effect the guidance for student counts, calculation and distribution of payments and other details that need to be clarified to prevent any disruptions in payments for the District of Columbia Public Schools and Public Charter Schools until permanent legislation is enacted by the Council.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-349

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with the respect to the need to allow the Public Service Commission the flexibility to facilitate wholesale competitive bidding, conduct retail competitive bidding, or both, for standard offer service, to permit standard offer service to be provided by the incumbent electric company, to change the date after which the standard offer service provider or providers will provide standard offer service to February 7, 2005, to clarify that the Commission's contingency plan for standard offer service shall apply in the event of either insufficient or inadequate competitive bids, and to require the Public Service Commission to determine the threshold financial viability of wholesale bidders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Electric Standard Offer Service Emergency Declaration Resolution of 2003".

Sec. 2. (a) "Standard offer service," also known as "default service," is the provision of electricity to customers who do not choose an electricity provider or who do not qualify to choose an electricity provider. Determining the appropriate mechanism for selection of a standard offer service provider has been of great concern to the Council.

(b) Pursuant to D.C. Official Code § 34-1509, before January 2, 2004, the District of Columbia Public Service Commission ("Commission") must adopt regulations or issue orders establishing the terms and conditions for standard offer service and for the selection of an electricity supplier to provide standard offer service after January 1, 2005.

(c) To fulfill its statutory mandate, the Commission initiated Formal Case 1017 on February 21, 2003 to establish a procedure for selecting a new standard offer service provider. The Commission has set forth the following procedural schedule for the standard offer service proceeding:

August 29, 2003
September 30, 2003
October 30, 2003

Parties submit proposed SOS regulations.
Notice and publish SOS regulations.
Initial comments on SOS regulations due.

November 17, 2003	Reply comments on SOS regulations.
December 31, 2003	Commission Order.
February 2004	RFP to be published (retail bidding model – current law)
June 2004	Final Bidder to be Selected.

(d) The District of Columbia's current standard offer service statute, D.C. Official Code § 34-1509, contemplates the selection of a standard offer service provider only through a retail bidding process - that is, the Commission conducts a competitive bidding process to select a company to be the standard offer service provider.

(e) The Commission seeks expanded statutory authority to determine whether to select a standard offer service provider through a retail or wholesale bidding process, or both. It is necessary for the District's utility regulator to have the greatest flexibility to determine: (1) whether to select multiple standard offer service providers; (2) whether a retail or wholesale bidding process, or both, best serves the public interest (and to make such a determination before completing the retail bidding process); and (3) the threshold financial viability of wholesale bidders.

(f) In order for the Commission to meet the January 2, 2004 statutory deadline for issuing regulations or orders which reflect the changes and flexibility sought by the Commission, the Council must enact legislation immediately.

(g) Permanent legislation (Bill 15-439, the Electric Standard Offer Service Amendment Act of 2003) is similar to the Electric Standard Offer Service Emergency Amendment Act of 2003. Bill 15-439 has been adopted by the Committee and approved on 1st reading by the Council on December 2, 2003.

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 Electric Standard Offer Service Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-350

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to bring the District of Columbia into compliance with the Help America Vote Act of 2002.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Help America Vote Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an emergency regarding the need to bring the District of Columbia into compliance with the federal mandates of the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S.C. § 15301 *et seq.*) ("HAVA").

(b) In 2002, Congress passed HAVA to improve the administration of elections in the United States.

(c) In passing HAVA, Congress also authorized federal funds to assist states and localities to meet these new standards.

(d) After a review of the current election system, District of Columbia HAVA Planning Committee agreed that HAVA funds should go to modernizing the local computerized registration system, improving pollworker recruitment and training, expanding voter education, promoting barrier-free voting for persons with disabilities, and strengthening the infrastructure of the elections process over the long term.

(e) In September of 2001, 5 District of Columbia voters, the Disability Rights Council, and the American Association for People with Disabilities, filed suit against the District of Columbia claiming that inaccessible voting systems and polling places were violations of the Americans with Disabilities Act.

(f) The suit was eventually settled pursuant to an agreement that requires the District of Columbia to purchase at least one accessible voting system for every polling place by the 2004 primary and sets a goal that "best efforts" will be made to ensure that all polling sites will be accessible by the same date.

(g) The Council passed the Presidential Primary Election Act of 2003, which changes the District's primary to the second Tuesday in January from the previous date of the first Tuesday in May.

(h) The accelerated date of the District of Columbia's primary now requires that the Council move swiftly in implementing its settlement agreement along with the federal mandates of HAVA to ensure that the new standards will be in place by the next election.

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 Help America Vote Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-351

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to immediately establish a mandatory drug and alcohol testing program for District of Columbia government employees who provide direct services to children; to establish a criminal background checks program for the District of Columbia workforce; to establish uniform health screening requirements for all District of Columbia children; to establish an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families; and to establish a Trust Fund for Postsecondary Education Assistance into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child and Youth, Safety and Health Omnibus Second Emergency Declaration Resolution of 2003".

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

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

(c) The Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003, effective May 3, 2003 (D.C. Law 15-2; 50 DCR 1954), is scheduled to expire on December 14, 2003. This legislation is necessary to prevent a gap in the legal authority.

(d) Among the programs that are needed are the establishment of mandatory drug and alcohol testing for District of Columbia employees who provide direct services to children; the establishment of a criminal background check program for the workforce, which includes volunteers of District of Columbia agencies that provide direct services to children and youth and employees of the Child Support Enforcement Division of the Office of Corporation Counsel; the establishment of uniform health screening requirements for all District of Columbia children and

ENROLLED ORIGINAL

uniform health forms; the establishment of an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families; and the establishment of a Trust Fund for Postsecondary Education Assistance into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education.

(e) Without the new statutory provisions required by the Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003, the strides the District of Columbia is making in protecting the health and safety of all District of Columbia children will be in jeopardy of being reversed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-352

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to require that applications for Interim Disability Assistance be processed with reasonable promptness, to authorize the Mayor to establish rules for the application process, and to establish that the monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interim Disability Assistance Second Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Interim Disability Assistance Temporary Amendment Act of 2003, effective May 3, 2003 (D.C. Law 15-1; 50 DCR 1952), is expected to expire on December 14, 2003. It requires that applications for Interim Disability Assistance be approved or disapproved by the Mayor with reasonable promptness. It also provides that other aspects of the application process, including good-cause exceptions to the application-processing standard, be determined by rules established by the Mayor, and establishes the monthly grant amount as the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Interim Disability Assistance Second Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

10761

A RESOLUTION

15-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to exempt from taxation certain real property of the Crispus Attucks Development Corporation and to provide real property tax relief for the property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an immediate crisis regarding the Crispus Attucks Development Corporation ("CADC"), formerly known as NUV-1, Inc., which owns Crispus Attucks Park.

(b) The property is located in lot 0046 in square 3117 in the interior of the block bounded by U, V, First, and North Capitol Streets, N.W., and is bordered by rowhouses on all 4 sides, with limited access by several narrow alley openings at each end of the rowhouses on U and V Streets.

(c) The property was deeded to NUV-1, Inc., in 1977 by the Chesapeake and Potomac Telephone Company and was used as a recreation center funded by the District Department of Parks and Recreation until 1987, providing programs for youth and children.

(d) After the transfer the property was exempt from real property taxes for many years, but at some point the Board of CADC failed to file the documents required to maintain the property tax exempt status.

(e) New leadership on a reorganized Board of Directors at CADC has mobilized to restore and maintain the site for community use. It has been landscaped with trees and grass and is used by the community and its children.

(f) The District government continues to send tax bills and delinquency notices to CADC.

(g) To avoid the sale of the park for real property taxes, interest, penalties, fees, and other related charges assessed against the property located in square 3117, lot 0046, the property must be made tax-exempt and the existing tax liability forgiven.

(h) Permanent legislation providing forgiveness of the existing tax liability, subject to appropriations, is anticipated soon.

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 Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to de-couple District of Columbia law from the bonus depreciation provisions of the Internal Revenue Code of 1986.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bonus Depreciation De-Coupling Emergency Declaration Resolution of 2003".

Sec. 2. (a) As part of D.C. Law 14-190, the Fiscal Year 2003 Budget Support Act of 2002, the Council passed legislation to de-couple District of Columbia law from the bonus depreciation provisions of the Internal Revenue Code of 1986.

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

(c) The change proposed by this emergency legislation would conform District of Columbia law to take into account changes made this year by Congress to the bonus depreciation provisions. These changes must be made now as the Office of Tax and Revenue is waiting to prepare tax forms for tax year 2004.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Bonus Depreciation De-Coupling Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Estate and Inheritance Tax Clarification Emergency Declaration Resolution of 2003".

Sec. 2. The Council finds that:

(1) The Fiscal Year 2003 Budget Support Amendment Act of 2002 de-coupled the District of Columbia's estate tax provisions from the Internal Revenue Code of 1986.

(2) The Fiscal Year 2004 Budget Support Act of 2003, and prior emergency and temporary versions of this legislation, increased the District of Columbia's filing threshold for estates to \$1 million, from the previous \$675,000.

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

(4) The proposed emergency legislation will clarify this intent.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary the Estate and Inheritance Tax Clarification Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need for the Council to establish that the Office of Administrative Hearings shall not have mandatory jurisdiction to hear District of Columbia Public Schools administrative cases, which jurisdiction threatens to impair the independence of the office, and to clarify that funding for the adjudication of District of Columbia Public Schools special education cases shall remain in the Fiscal Year 2004 budget of the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Administrative Hearings Independence Preservation Emergency Declaration Resolution of 2003".

Sec. 2. (a) On September 4, 2003, parties to a federal class-action lawsuit styled *Blackman-Jones v. District of Columbia*, Civil Action 97-1629 (PLF), including the District of Columbia Public Schools, executed a proposed consent decree over the objection of the Office of Administrative Hearings ("the Office") and jointly submitted the proposed decree to the court for preliminary approval. The proposed decree would impose obligations on the District of Columbia Public Schools' Student Hearing Office and "any successors" to the Student Hearing Office relating to the conduct of special education hearings.

(b) If approved by the court and applied to the Office as the parties advocate, the consent decree would have the effect of amending the Council's determination in the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 et. seq.) ("the OAH Act"), regarding the independence of the Office and its authority to reform and harmonize procedures in the District of Columbia's administrative hearing system.

(c) The parties to the Blackman-Jones class action have filed briefs urging the court to consider the Office to be a "successor" to the Student Hearing Office and thus bound by the consent decree, despite the fact that the OAH Act established the Office as an independent agency within the District of Columbia, not subject to the control of the Mayor, the Office of Corporation Counsel, the District of Columbia Public Schools, or any agency of the District of

ENROLLED ORIGINAL

Columbia involved in the Blackman-Jones litigation. In enacting the OAH Act, the Council did not intend for the Office to be a successor to the District of Columbia Public Schools or any agency within the District of Columbia, but to be a independent central hearing panel to administratively adjudicate cases arising from more than 25 agency programs and boards within the District of Columbia and to reform troubled hearing systems in such agencies.

(d) The Council finds that there is a critical and prompt need to amend the OAH Act to remove District of Columbia Public Schools administrative cases from the mandatory jurisdiction of the Office in order to preserve the independence of the Office and ensure that the Council's public policy determinations under the OAH Act remain fully in force, while at the same time ensuring that funds budgeted for special education adjudications remain in the District of Columbia Public Schools' Fiscal Year 2004 budget.

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 Independence Preservation Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to establish the crime of identity theft, to provide penalties for the crime, to provide enhanced penalties for persons committing identity theft against persons 65 years of age or older, to authorize the court to provide restitution to the victim and to order the correction of public records containing false information as a result of the identify theft, and to require the Metropolitan Police Department to take reports of identity theft and provide the complainant with a copy of the report.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Identity Theft Emergency Declaration Resolution of 2003".

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

(1) Currently, the District of Columbia Official Code prohibits credit card fraud, general fraud, and theft, but the act of identity theft *per se* is not against the law.

(2) As a result, the criminal justice system is unresponsive to citizens who are victimized by others who, in a variety of ways, steal their identities or personal identifying information and do them harm. Particularly unresponsive has been the Metropolitan Police Department, which can and does tell the community that identity theft is beyond its jurisdiction, and therefore officers cannot do anything about the problem, including investigating the crime or even completing a police report.

(3) This is an ironic situation as the District of Columbia is ranked number one by the Federal Trade Commission in terms of fraud complaints per 100,000 population and in terms of identity theft victims per 100,000 population.

(4) Although the Council enacted the Identity Theft Amendment Act of 2003 on October 7, 2003 and the Mayor signed the legislation (Act 15-196) on October 27, 2003, the act will not become law until it completes its Congressional review.

(5) While Act 15-196 is pending before Congress, the citizens of the District of Columbia will not have the legal protection for criminal acts of identity theft.

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 Identity Theft Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

10768

A RESOLUTION

15-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to approve the acceptance and use of grants not included in the ceiling of the District of Columbia Appropriations Act, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "December Budget Modifications for FY 2004 Grant Funds Emergency Declaration Resolution of 2003".

Sec. 2. (a) Compliance with federal law established by section 119 of the FY 2003 Appropriations Act, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11), as extended by a Joint Resolution Making Continuing Appropriations for Fiscal Year 2004, and Other Purposes, approved September 30, 2003 (Pub. Law 108-81; 117 Stat. 1042), requires Council approval within 15 calendar days after a request for acceptance and use of grants not included in the ceiling of the FY 2003 appropriation for the District of Columbia.

(b) Grant requests have been submitted that are not included in the FY 2003 appropriations ceiling. These grants must be approved by the Council expeditiously.

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 December Budget Modifications for FY 2004 Grant Funds Approval Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of up to \$2.8 million aggregate principal amount of District of Columbia revenue bonds in one or more series and for the loan of the proceeds of such bonds to assist 1329 Kenilworth Ave. LLC, a Virginia limited liability company, 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 "1329 Kenilworth Ave. LLC Revenue Bond Project Emergency Declaration Resolution of 2003".

Sec. 2. (a) 1329 Kenilworth Ave. LLC is a limited liability company organized under the laws of Virginia which seeks to have District of Columbia revenue bonds issued and receive a loan of the proceeds for the financing, refinancing, or reimbursing of all the costs incurred in connection with the acquisition, financing, construction, renovation, and equipping of a bakery manufacturing facility and related offices located at 1327-1329 Kenilworth Avenue, N.E., Washington, D.C., 20019, (Square 5118, Lot 0019), together with the other property real and personal, functionally related and subordinated thereto, including furniture, fixtures, equipment, soft costs, capitalized interest, and costs of issuance.

(b) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile and in order for the 1329 Kenilworth Ave. LLC to maximize interest savings on the District of Columbia revenue bonds, it is important that the Council expedite the process of the issuance of the revenue bonds.

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 1329 Kenilworth Ave. LLC Revenue Bond Project Emergency Approval Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$2.8 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 1329 Kenilworth Ave. LLC, a Virginia limited liability company, 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 "1329 Kenilworth Ave. LLC Revenue Bond Project Emergency Approval Resolution of 2003".

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 1329 Kenilworth Ave. LLC, a limited liability company organized under the laws of Virginia.

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

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

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

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

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

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

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

(12) "Project" means:

The financing, refinancing, and reimbursement of all the costs incurred in connection with the acquisition, financing, construction, renovation, and equipping of a bakery manufacturing facility and related offices located at 1327-1329 Kenilworth Avenue, NE, Washington, D.C., 20019, (Square 5118, Lot 0019), together with the other property real and personal, functionally related and subordinated thereto, including furniture, fixtures, equipment, soft costs, capitalized interest, and costs of issuance.

Sec. 3. Findings.

The Council finds that:

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in a total aggregate principal amount not to exceed \$2.8 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 manufacturing facilities within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

- (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$2.8 million; and
- (2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

- (1) The final form, content, designation, and terms of the Bonds, including a determination that such Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of such Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the

District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

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Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of up to \$35 million aggregate principal amount of District of Columbia revenue bonds in one or more series and for the loan of the proceeds of the bonds to assist the National Association of Realtors 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 "National Association of Realtors Revenue Bond Project Emergency Declaration Resolution of 2003".

Sec. 2. (a) National Association of Realtors ("Borrower") has requested that the District issue revenue bonds to finance, refinance, or reimburse the Borrower for costs to:

- (1) Acquire, construct, improve, landscape, equip, and furnish an approximately 90,000 square foot office building to be located at 500 New Jersey Avenue, N.W., Washington, D.C., and a 66-space underground parking garage and the surrounding grounds;
- (2) Fund any required debt service reserve fund or capitalized interest;
- (3) Pay certain costs of any bond insurance or credit enhancement; and
- (4) Pay certain costs of issuance.

(b) The planned financing will make available funds critically needed to finance, refinance, or reimburse the Borrower for the costs described above.

(c) Because the Borrower has requested that the District issue its revenue bonds on or about December 2003 because changing conditions in the bond market may quickly erode the savings available to the Borrower and because the authorization to issue enterprise zone facility bonds will expire on December 31, 2003, it is important that the Council expedite the process for the issuance of the Bonds by the District.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the National Association of Realtors Revenue Bond Project Emergency Approval Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

10778

A RESOLUTION

15-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of up to \$35 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 National Association of Realtors 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 "National Association of Realtors Revenue Bonds Project Emergency Approval Resolution of 2003".

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 National Association of Realtors, a 501(c)(6) corporation and exempt from federal income taxes under 26 U.S.C. § 501(a) (2003) as an organization described in 26 U.S.C. § 501(c)(6) (2003).

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

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

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

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

required supplements to any such documents.

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

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

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

(12) "Project" means:

(A) The financing and refinancing of all or a portion of the costs of acquisition, construction, improving, landscaping, equipping, and furnishing an approximately 90,000 square foot office building to be located at 500 New Jersey Avenue, N.W., Washington, D.C., (Lots 7, 12, 801 and 802, square 0627), and a 66-space underground parking garage and the surrounding grounds;

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

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

Sec. 3. Findings.

The Council finds that:

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

(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 \$35 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 commercial development 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

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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 \$35 million; and
- (2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

- (1) The final form, content, designation, and terms of the Bonds, including a determination that such Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of such Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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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

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agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

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

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

Within 3 days after the Mayor'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

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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

15-363

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to approve the borrowing of funds by the Mayor through the issuance and sale of general obligation bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2004 General Obligation Bond Issuance Approval Emergency Declaration Resolution of 2003".

Sec. 2. (a) There is a need to issue general obligation bonds in the first quarter of fiscal year 2004 to finance capital projects included in the District's approved capital improvement program. This borrowing is scheduled to occur in the first quarter of the fiscal year, as opposed to later in the fiscal year, reflecting the fact that District agencies have improved the timing of their spending of approved capital dollars in recent years. Waiting until later in the fiscal year to borrow for approved capital spending would mean utilizing significant amounts of operating dollars to cover capital expenditures, pending reimbursement from bond proceeds. Given the substantial amount of the District's cash that is in reserves, and other factors, the District cannot afford to use large amounts of operating dollars on capital spending pending reimbursement.

(b) Funding for the debt service expense associated with the issuance of the bonds is included in the District's proposed Fiscal Year 2004 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2004 General Obligation Bond Issuance Approval Emergency Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2004 General Obligation Bond Issuance Approval Emergency Resolution of 2003".

Sec. 2. (a) Pursuant to section 3302 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 47-335.01), the Council approves the request of the Mayor for the authority to borrow funds for the capital projects listed in section 3 through the issuance and sale of general obligation bonds not to exceed an aggregate principal amount of \$315,668,741 for the payment, on an agency basis, for the costs of acquiring or undertaking capital projects for general governmental and enterprise purposes, plus an amount equal to the costs and expenses of issuing and delivering the bonds, including any capitalized interest, underwriting, rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, and printing costs and expenses.

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

(c) The capital projects listed in section 3 have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), and are included within the schedule of capital projects for which the District of Columbia is authorized to incur indebtedness, under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002-2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note) ("Bond Act").

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

<u>Fund</u>	<u>AG</u>	<u>Project Code</u>	<u>Project Name</u>	<u>IAG</u>	<u>FY 2004 Bond Resolution Amount (\$)</u>
Office of the City Administrator					
300	AE0	CAC	Gales School	AM0	6,004,000
AE0 Total					6,004,000
Office of Property Management					
300	AM0	G28	Material Testing Lab	AM0	500,000
300	AM0	GF2	D.C. Warehouse	AM0	225,000
300	AM0	N14	Government Centers	AM0	3,900,000
AM0 Total					4,625,000
Office of Planning					
300	BD0	PLN	Public Planning Funds	BD0	2,000,000
BD0 Total					2,000,000
District of Columbia Office on Aging					
300	BY0	EA1	Ward 1 Senior Wellness Center	Am0	1,003,917
BY0 Total					1,003,917
D.C. Public Library					
300	CE0	BEN	New Benning Branch Library	CE0	2,940,000
300	CE0	TEN	New Tenley Branch Library	CE0	2,870,000
300	CE0	WTD	Renovations to Watha T. Daniel Library	CE0	1,000,000
CE0 Total					6,810,000
Department of Housing and Community Development					
300	DB0	040	Affordable Housing	DB0	5,496,975
DB0 Total					5,496,975
Office of the Deputy Mayor for Planning and Economic Development					
300	EB0	EB3	Neighborhood Revitaliz	CR0	4,000,000
EB0 Total					4,000,000
Metropolitan Police Department					
300	FA0	FRI	Base Building Renovation	FA0	3,000,000
FA0 Total					3,000,000

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<u>Fund</u>	<u>AG</u>	<u>Project Code</u>	<u>Project Name</u>	<u>IAG</u>	<u>FY 2004 Bond Resolution Amount (\$)</u>
Fire and Emergency Medical Services					
300	FB0	F27	Permanent Improvements	FB0	500,000
300	FB0	LB1	Engine 10	FB0	302,295
300	FB0	LB3	Engine 12	FB0	228,385
300	FB0	LC7	Engine 25	FB0	1,421,875
300	FB0	LD1	Engine 28	FB0	1,218,391
300	FB0	LD9	Disaster Vehicle Facility	FB0	1,401,428
FB0 Total					5,072,374
Department of Corrections					
300	FL0	CR0	General Renovations	AM0	920,000
300	FL0	MA2	Renovations at CDF	AM0	2,670,000
FL0 Total					3,590,000
D.C. Public Schools					
300	GA0	NB2	Bell Lincoln High	GA0	28,000,000
300	GA0	NB4	Birney Elementary	GA0	3,699,394
300	GA0	NB7	Brightwood Elementary	GA0	5,698,000
300	GA0	NC8	Cleveland Elementary	GA0	1,000,000
300	GA0	ND1	Cooke Elementary	GA0	8,291,480
300	GA0	ND4	Deal Junior High	GA0	1,390,200
300	GA0	NF9	Hardy Middle	GA0	746,695
300	GA0	NI1	Kramer Middle	GA0	769,000
300	GA0	NJ2	MacFarland Middle	GA0	923,000
300	GA0	NJ8	McKinley Technical High	GA0	18,000,080
300	GA0	NK5	Luke Moore High	GA0	5,954,000
300	GA0	NK9	Noyes Elementary	GA0	1,025,000
300	GA0	NL9	Phelps High School	GA0	402,880
300	GA0	NO1	Slowe Elementary	GA0	812,300
300	GA0	NO2	Smothers Elementary	GA0	454,000
300	GA0	NO3	Sousa Middle	GA0	9,240,002
300	GA0	NP4	R. H. Terrell Junior High	GA0	814,000
300	GA0	NP5	Thomas Elementary	GA0	7,546,384
300	GA0	NP6	Thomson Elementary	GA0	1,170,000
300	GA0	NP9	Turner Elementary	GA0	690,000
300	GA0	NQ3	Walker Jones Elementary	GA0	8,374,314
300	GA0	NQ9	Wheatley Elementary	GA0	9,915,928
300	GA0	NR6	Woodson High	GA0	100,000
300	GA0	NX3	Cardozo High	GA0	1,569,350
300	GA0	NX4	Anacostia High	GA0	2,546,000
300	GA0	SG1	General Improvements	GA0	29,850,000
300	GA0	SG3	Maint. Improvements	GA0	19,423,993
GA0 Total					168,406,000

ENROLLED ORIGINAL

<u>Fund</u>	<u>AG</u>	<u>Project Code</u>	<u>Project Name</u>	<u>IAG</u>	<u>FY 2004 Bond Resolution Amount (\$)</u>
University of the District of Columbia					
300	GF0	PA1	Building #32	AM0	530,000
300	GF0	PA3	Building #39	AM0	683,000
300	GF0	PA5	Building #42	AM0	304,000
300	GF0	PA6	Building #44	AM0	532,000
300	GF0	PA7	Building #46W	AM0	151,000
300	GF0	PA9	Building # 52	AM0	710,000
GF0 Total					2,910,000
Department of Parks and Recreation					
300	HA0	QA4	Lammond Recreation Center	HA0	2,625,000
300	HA0	QB3	Roper / Deanwood Recreation Center	HA0	3,900,000
300	HA0	RE0	Facility Expansion	HA0	1,670,000
300	HA0	RG0	General Improvements	HA0	10,517,000
300	HA0	RN0	New Construction	HA0	5,780,000
HA0 Total					24,492,000
Department of Human Services					
300	JA0	JB2	JB Johnson Facility	AM0	4,460,000
300	JA0	SB1	Children Tracking System Project	JA0	3,500,000
300	JA0	SB6	CCNV	AM0	375,000
300	JA0	SF5	Randall School	AM0	1,165,000
JA0 Total					9,500,000
Washington Metropolitan Area Transit Authority					
300	KE0	SA2	Metrobus	KE0	17,000,000
300	KE0	SA3	Metrorail Rehab	KE0	28,000,000
KE0 Total					45,000,000
Department of Public Works					
300	KT0	FM1	Facility Renovations	KT0	1,660,000
300	KT0	SW1	Solid Waste Transfer S	KT0	200,000
300	KT0	SW2	Solid Waste Reduction Center	KT0	2,100,000
KT0 Total					3,960,000
Department of Mental Health					
300	RM0	HX3	Construct/Renovate New	RM0	959,475
300	RM0	HX4	Construct/Renovate New	RM0	5,500,000
RM0 Total					6,459,475
Office of the Chief Technology Officer					
300	TO0	N16	District Reporting System	TO0	6,139,000
300	TO0	N18	Facility Improvements	TO0	7,200,000
TO0 Total					13,339,000
Grand Total					315,668,741

ENROLLED ORIGINAL

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

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

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

Sec. 7. This resolution shall take effect immediately.

A RESOLUTION

15-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To declare the existence of an emergency with respect to the need to amend Initiative 62, the Treatment Instead of Jail for Certain Non-Violent Offenders Initiative of 2002, to require that implementation of the initiative is subject to the inclusion of sufficient additional federal or non-local funds in an approved budget and financial plan that do not adversely affect any existing allocations in the approved budget and financial plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Initiative Measure No. 62 Applicability and Fiscal Impact Emergency Declaration Resolution of 2003".

Sec. 2. (a) On November 5, 2002, Initiative Measure No. 62, the Treatment Instead of Jail for Certain Non-Violent Offenders Initiative of 2002, effective June 5, 2003 (D.C. Law 14-308; D.C. Official Code § 24-751.01 *et seq.*), was approved by a majority of electors voting on the initiative.

(b) Initiative Measure No. 62 requires the provision of substance abuse treatment instead of conviction or imprisonment to certain eligible non-violent defendants charged with illegal possession or use of certain controlled substances.

(c) No funds are provided to implement Initiative Measure No. 62 in any approved or proposed budget and multi-year financial plan for the District.

(d) There exists an immediate need to amend Initiative Measure No. 62 to include a fiscal impact statement requiring that implementation of the initiative is subject to the Chief Financial Officer's certification that sufficient additional federal or non-local funds have been included in an approved budget and multi-year financial plan that do not adversely affect any existing allocations in the approved budget and multi-year financial plan.

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 Initiative Measure No. 62 Applicability and Fiscal Impact Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To approve a proposed emergency contract with Waste Management of Greater Washington, in the amount of \$1,117,421.25 for the provision of weekly collection of recyclable ferrous and nonferrous metal, glass, plastic food and beverage containers, and paper products generated from District residents with 3 for less dwelling units and deliver the collected recyclables to a materials recycling processing facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Emergency Contract Modification with Waste Management for the Provision of Weekly Collection of Recyclable Materials CAS 15-148 Approval Resolution of 2003".

Sec. 2. (a) Pursuant to Section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Mayor, on November 10, 2003, transmitted to the Council an Emergency Contract Summary with Waste Management for the collection of recyclable materials during a period of 120 days. The contract amount is \$1,117,421.25.

(b) The Council of the District of Columbia approves the proposed contract in the amount of \$1,117,421.25.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 2, 2003

To confirm the reappointment of Mr. Geoffrey H. Griffis to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Zoning Adjustment Geoffrey H. Griffis Confirmation Resolution of 2003".

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

Mr. Geoffrey H. Griffis
1246 Columbia Road, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), for a term to end September 30, 2006.

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

Sec. 4. This resolution shall take effect immediately.