

ENROLLED ORIGINAL

A RESOLUTION

15-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To appoint Mr. Peter M. Willner as a member of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Peter M. Willner Appointment Resolution of 2003".

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

Mr. Peter M. Willner
4465 MacArthur Boulevard, N.W.
Washington, D.C. 20007
(Ward 3)

as a member of the Commission on Selection and Tenure of Administrative Law Judges, established by section 9 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.06), for a term to end on April 30, 2005.

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

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

A RESOLUTION

15-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the reappointment of Ms. Elizabeth A. Noël as the People's Counsel.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "People's Counsel Elizabeth A. Noël Confirmation Resolution of 2003".

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

Elizabeth A. Noël, Esq.
1601 Holly Street, N.W.
Washington, D.C. 20012
(Ward 4)

as People's Counsel, established by paragraph 91A of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913 (37 Stat. 993; D.C. Official Code § 34-804), for a term to end June 13, 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.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To disapprove proposed Contract No. POHC-2003-C-1752 with Care Pharmacy, Inc. (also referred to as Care Pharmacies) for the distribution and dispensing of anti-retroviral and other HIV-related medication services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract No. POHC-2003-C-1752 with Care Pharmacy (Pharmacies), Inc. Disapproval Resolution of 2003".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and pursuant to section 105a of the District of Columbia Procurement Practices Act, effective March 8, 1991 (D.C. Law 6-85; D.C. Official Code § 2-301.05a), the Mayor transmitted proposed Contract No. POHC-2003-C-1752 with Care Pharmacy (Pharmacies), Inc. in the amount of \$1,010,000 for the distribution and dispensing of anti-retroviral and other HIV-related medication services to the Council for review and approval.

(b) The Council disapproves the contact.

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

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To accept the proposed transfer of jurisdiction over public land in the District of Columbia from the United States, by the Department of the Interior, National Park Service, to the District of Columbia, for the purpose of providing open space, access, and the installation of a security gate, guardhouse, perimeter fencing and driveway for the proposed official residence of the Mayor, that certain land in the District of Columbia known as part of U.S. Reservation 357, with street frontage along Foxhall Road, N.W., consisting of approximately 1.8 acres of land.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Transfer of Jurisdiction of Part of U.S. Reservation 357 for the Mayor's Official Residence Resolution of 2003".

Sec. 2. Pursuant to section 1 of An Act To Authorize The Transfer of Jurisdiction Over Public Land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10- 111), the District of Columbia government accepts the transfer of jurisdiction from the United States, by the Department of Interior, National Park Service, for the purpose of providing open space, access, and the installation of a security gate, guardhouse, perimeter fencing, and driveway for the proposed official residence of the Mayor, that certain land known as part of U.S. Reservation 357, in the District of Columbia, with a street frontage along Foxhall Road, N.W., consisting of approximately 1.8 acres, as more particularly described as follows:

Beginning on the east line of Foxhall Road, of varying width, at a point removed the five following courses and distances from the intersection of said east line of Foxhall Road and the south line of W Street, of varying width:

1. With said east line of Foxhall Road, South 0° 43' West, 616.78 feet;
2. Continuing with said east line of Foxhall Road, South 5° 19' 45" East, 144.02 feet;
3. With the south line of land known for purposes of assessment and taxation as Lot 818,

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Square 1346, East, 39.34 feet, to the east line of Foxhall Road as widened by plat of Transfer of Jurisdiction recorded in Book 130, page 14 among the records of the Office of the Surveyor for the District of Columbia;

4. With said east line of Foxhall Road, as widened, South, 40.21 feet, to a point of curve;

5. 56.73 feet on the arc of a curve to the left of radius 900.84 feet (chord bearing = South 1° 48' 15" East, chord = 56.72 feet), to the true point of beginning thence leaving said true point of beginning and running through said land known for purposes of assessment and taxation as Lot 804, Square 1346, the four following courses and distances:

(A) East, 240.96 feet;

(B) 60.29 feet on the arc of a curve to the right of radius 280.0 feet (chord bearing South 42° 05' 28" East, chord = 60.18 feet);

(C) 377.14 feet on the arc of a curve to the left of radius 5,025.88 feet (chord bearing North 84° 30' 24" East, chord = 377.05 feet); and

(D) South 7° 38' 35" East, 100.0 feet, on a radial line, to the south line of land known for purposes of assessment and taxation as Lot 804, Square 1346; and

Thence along said south line of land known for purposes of assessment and taxation as Lot 804, Square 1346, 648.96 feet on the arc of a curve to the right of radius 5,125.88 feet (chord bearing = South 89° 59' 02" West, chord = 648.53 feet), to the east line of Foxhall Road, as widened, aforesaid; thence with said east line of Foxhall Road, as widened, 155.0 feet on the arc of a curve to the right of radius 900.84 feet (chord bearing = North 8° 32' 15" West, chord = 154.81 feet), to the place of beginning, containing 78,408 square feet or 1.8000 acres.

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 of the District of Columbia, the Surveyor of the District of Columbia, the Director of the National Capital Planning Commission, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, the Director of the General Services Administration, the Director of the National Park Service, and to the Regional Director of the National Capital Parks, National Park Service.

Sec. 4. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the 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

15-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To approve certain restricted transaction exemptions under the District of Columbia Retirement Reform Act to permit the District of Columbia Retirement Board to participate in certain administratively feasible and noncontroversial financial transactions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Restricted Transaction Exemption Approval Resolution of 2003".

Sec. 2. Pursuant to section 181(h) of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866: D.C. Official Code § 1-741(h)) ("Reform Act"), the District of Columbia Retirement Board ("Board") transmitted to the Council on February 13, 2003, for its review and approval 2 proposed exemptions to certain restricted transactions under the Reform Act that have been previously granted by the United States Department of Labor pursuant to Federal administrative exemption procedures. The Council approves the proposed exemptions published in the District of Columbia Register on January 31, 2003 (50 DCR 1078).

Sec. 3. Fiscal impact statement.
There is no fiscal impact to the District of Columbia.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the appointment of Mr. Robert Pohlman to the Housing and Community Development Reform Advisory Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing and Community Development Reform Advisory Commission Robert Pohlman Confirmation Resolution of 2003".

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

Mr. Robert Pohlman
1815 Monroe Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a public member of the Housing and Community Development Reform Advisory Commission, established by section 1142 of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1032), for a term to end 90 days after the Commission's final report is submitted pursuant to section 1147 of the Housing and Community Development Reform Advisory Commission Act of 2002.

Sec. 3. The Secretary to 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 upon the effective date of the Housing and Community Development Reform Advisory Commission Emergency Amendment Act of 2003, passed on an emergency basis on November 4, 2003.

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A RESOLUTION

15-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the appointment of Mr. Donald G. Murray, Jr., to the Housing and Community Development Reform Advisory Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing and Community Development Reform Advisory Commission Donald G. Murray, Jr. Confirmation Resolution of 2003".

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

Mr. Donald G. Murray, Jr.
2525 32nd Street, N.W.
Washington, D.C. 20020
(Ward 7)

as a public member of the Housing and Community Development Reform Advisory Commission, established by section 1142 of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1032), for a term to end 90 days after the Commission's final report is submitted pursuant to section 1147 of the Housing and Community Development Reform Advisory Commission Act of 2002.

Sec. 3. The Secretary to 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

15-291

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the appointment of Mr. Curtis T. White to the Housing and Community Development Reform Advisory Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing and Community Development Reform Advisory Commission Curtis T. White Confirmation Resolution of 2003".

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

Mr. Curtis T. White
2410 20th Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a public member of the Housing and Community Development Reform Advisory Commission, established by section 1142 of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1032), for a term to end 90 days after the Commission's final report is submitted pursuant to section 1147 of the Housing and Community Development Reform Advisory Commission Act of 2002.

Sec. 3. The Secretary to 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

15-292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the appointment of Ms. Pamela Vaughn-Cooke to the Housing and Community Development Reform Advisory Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing and Community Development Reform Advisory Commission Pamela Vaughn-Cooke Confirmation Resolution of 2003".

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

Ms. Pamela Vaughn-Cooke
7508 12th Street, N.W.
Washington, D.C. 20012
(Ward 1)

as a public member of the Housing and Community Development Reform Advisory Commission, established by section 1142 of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1032), for a term to end 90 days after the Commission's final report is submitted pursuant to section 1147 of the Housing and Community Development Reform Advisory Commission Act of 2002.

Sec. 3. The Secretary to 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

15-293

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To authorize and provide for the issuance, sale, and delivery of up to \$30 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 Protestant Episcopal Cathedral Foundation of the District of Columbia in the financing, refinancing, or reimbursing of an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Protestant Episcopal Cathedral Foundation of the District of Columbia Revenue Bonds Project 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 District of Columbia 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 refinanced or reimbursed with proceeds from the Bonds which shall be Protestant Episcopal Cathedral Foundation of the District of Columbia, a federally chartered non-profit corporation organized and existing under the laws of the United States of America and the District of Columbia, and exempt from federal income taxes under section 501(a) of the Code as an organization described in section 501(c)(3) of the Code.

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

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

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

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

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

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

(13) "Mayor" means the Mayor of the District of Columbia.

(14) "Project" means:

(A) The refunding of the \$8.25 million District of Columbia revenue bonds (Protestant Episcopal Cathedral Foundation of the District of Columbia Project), Series 1999 the proceeds of which were used to finance, refinance, or reimburse the Borrower for certain costs incurred in connection with the renovation, expansion, furnishing, and equipping of certain elementary school facilities of Beauvoir, The National Cathedral Elementary School, and the refinancing of a loan to the National Cathedral School, the proceeds of which were used to construct a new athletic facility on the campus of the National Cathedral School, both located at Mt. Saint Alban, NW, Washington, DC 20016-5098 (Square 1944, Ward 3, Census Tract 10.1, Lot 0025), together with other property functionally related and subordinate thereto;

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

(C) Paying certain costs of issuance, and 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 \$30 million, and

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to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

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

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$30 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;

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(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

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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.

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(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 such 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

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development of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

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

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

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

The Secretary of 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.

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A RESOLUTION

15-294

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To confirm the reappointment of Ms. Julie Anne Stewart to the Advisory Commission on Sentencing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Advisory Commission on Sentencing Julie Anne Stewart Confirmation Resolution of 2003".

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

Ms. Julie Anne Stewart
3600 Patterson Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a member of the Advisory Commission on Sentencing, established by section 2 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a term to end July 2, 2005.

Sec. 3. The Secretary to 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

15-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 4, 2003

To disapprove a modification to the District of Columbia Home and Community-Based Waiver for Individuals with Mental Retardation and Developmental Disabilities to authorize the Medicaid Program to limit waiver services to persons with mental retardation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification to the Medicaid Home and Community-Based Waiver for Individuals with Mental Retardation and Developmental Disabilities Disapproval Resolution of 2003".

Sec. 2. Pursuant to section 1(a)(2) of An Act to enable the District of Columbia to receive Federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)(2)), the Council disapproves the proposed modification to the District of Columbia Home and Community-Based Waiver for Individuals with Mental Retardation and Developmental Disabilities to authorize the Medicaid Program to limit waiver services to persons with mental retardation that was submitted to the Council on October 6, 2003.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, each to the Director of the Department of Health and to the Mayor.

Sec. 4. This resolution shall take effect immediately.