

ENROLLED ORIGINAL

A RESOLUTION

17-779

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E. right-of-way, and to require the Office of the Surveyor to amend its records to reflect the correction.

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

Sec. 2. (a) Pursuant to the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E. and Tingey Street, S.E., S.O. 03-1420, Act of 2004, effective April 8, 2005 (D.C. Law 15-310; 52 DCR 1720), the Surveyor's office recorded a plat entitled "Public Streets Dedicated and Easement Established (Square 770)" on July 2, 2007, in Book 202 at page 26.

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

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

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

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

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(f) The encroachment or projection of a portion of Building 160 within the Tingey Street, S.E. right-of-way has caused significant title and survey problems for the party who intends to purchase the property and will delay the closing on the acquisition of the property and the financing of the redevelopment of Building 160.

(g) The redevelopment of Building 160, with ground floor retail, approximately 170 units of residential uses, and associated parking and loading facilities, has been approved by numerous federal and District of Columbia agencies, and a building permit has been issued for the redevelopment. The redevelopment will be delayed by the title and survey issues.

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

(1) The addition of needed retail services to the Ballpark and the near southeast neighborhood;

(2) The introduction of a significant number of residential units on a 42-acre tract of land that currently contains no residential units;

(3) The addition of a significant amount of new construction, retail, and other jobs; and

(4) An increase in sales, income, and other tax revenue.

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

(j) On July 1, 2008, the Council enacted the Tingey Street, S.E. Right-of-Way Emergency Amendment Act of 2008 ("Emergency Act"). The Emergency Act expires on October 14, 2008.

(k) On July 15, 2008, the Council enacted the Tingey Street, S.E. Right-of-Way Temporary Amendment Act of 2008 ("Temporary Act"). The Temporary Act must still complete the 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and will not become law prior to the expiration of the Emergency Act.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tingey Street, S.E. Right-of-Way Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-780

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Office of Property Management Establishment Act of 1998 to authorize the Office of Property Management to make a grant of up to \$5.5 million to the Old Naval Hospital Foundation for the purpose of renovating and making improvements to the Old Naval Hospital, Carriage House, and adjacent grounds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Old Naval Hospital Grant Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Mayor transmitted to the Council a request to amend the Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §10-1001 *et seq.*), by adding a new section 1806k to read as follows:

"Subject to appropriations, the Office of Property Management is authorized to make a grant in the amount of up to \$5.5 million to the Old Naval Hospital Foundation ("Foundation") for the purposes of renovating and making improvements to the Old Naval Hospital, Carriage House, and adjacent grounds, located at 921 Pennsylvania Avenue, S.E., ("property"), in accordance with plans and specifications approved by the Office of Property Management and pursuant to a grant agreement between the District and the Foundation."

(b) The Foundation was selected by the Office of Property Management through a competitive-solicitation process for the redevelopment and leasing of the property.

(c) The proposal submitted by the Foundation, and the selection of its proposal, anticipated that the Office of Property Management, subject to Council approval, would contribute up to \$5.5 million towards the redevelopment of the property.

(d) The grant funds from the District are needed immediately to commence design and predevelopment activities. Further delay in design and predevelopment activities will result in cost escalations of approximately \$500,000 and in the overall reduction in the building program to maintain the total project cost.

(e) On July 15, 2008, the Council enacted the Old Naval Hospital Grant Emergency Amendment Act of 2008 ("Emergency Act"). The Emergency Act expires on October 26, 2008.

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(f) On September 16, 2008, the Council enacted the Old Naval Hospital Grant Temporary Amendment Act of 2008 ("Temporary Act"). The Temporary Act must still complete the 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and will not become law prior to the expiration of the Emergency Act.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Old Naval Hospital Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-781

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to authorize the Mayor to enter into a contract with Waterfront Associates, LLC, for the construction of Fourth Street, S.W., as part of the redevelopment of the Waterside Mall property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Waterside Mall and Fourth Street, S.W., Redevelopment and Reconstruction Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) There existed a need to authorize the Mayor to enter into a contract with Waterfront Associates, LLC, ("Developer") for the construction of Fourth Street, S.W., as part of the redevelopment of the Waterside Mall property because the street will run on land and through property controlled by the Developer.

(b) The Waterside Mall project consists of 2.5 million square feet of office, residential, and retail space, designed to redefine the urban fabric of the area, create a vibrant neighborhood, and improve traffic circulation.

(c) The Waterside Mall site is owned by the District, subject to long-term ground leases of the Developer under which the Developer owns the improvements and development rights of the property.

(d) The Developer had already completed the demolition and foundation work to prepare for the construction of the street.

(e) In July 2008, the Council enacted the Waterside Mall and Fourth Street, S.W., Redevelopment and Reconstruction Emergency Act of 2008, effective July 28, 2008 (D.C. Act 17-467; 55 DCR 8744) ("Emergency Act"), which authorized a contract. The Emergency Act expires on October 26, 2008.

(f) Temporary legislation, the Waterside Mall and Fourth Street, S.W., Redevelopment and Reconstruction Temporary Act of 2008, signed by the Mayor on September 29, 2008 (D.C. Act 17- 516; 55 DCR ___), must still complete the 30-day Congressional review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and will not become law prior to the expiration of the Emergency Act.

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

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Waterside Mall and Fourth Street, S.W., Redevelopment and Reconstruction Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-782

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the St. Martin's Apartments development project located in Lots 114 and 115, Square 3531.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Martin's Apartments Tax Exemption Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) The St. Martin's Apartments project consists of the rehabilitation and equipping, including the financing, refinancing, or reimbursing of costs incurred, for an affordable housing project located on the St. Martin's Parish of the Roman Catholic Archdiocese of Washington property, consisting of a building containing 178 units of rental housing on the St. Martin's Apartments property and other ancillary improvements.

(b) The St. Martin's Apartments property shall be exempt from all property tax so long as the property is operated as an affordable rental housing project.

(c) Approval of this emergency legislation is essential for the St. Martin's Apartments project to meet critical deadlines.

(d) The St. Martin Apartments Tax Exemption Emergency Act of 2008, effective August 4, 2008 (D.C. Act 17-491; 55 DCR 9164), will expire on November 2, 2008, and the St. Martin Apartments Tax Exemption Temporary Act of 2008, signed by the Mayor on September 23, 2008 (D.C. Act 17-503; 55 DCR ____), is not projected to become law until November 7, 2008.

(e) This emergency legislation is necessary to prevent a gap in 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 St. Martin's Apartments Tax Exemption Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-783

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

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

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

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

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

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

(d) The Recreation Enterprise Fund Emergency Amendment Act of 2008, effective July 16, 2008 (D.C. Act 17-425; 55 DCR 8246), will expire October 14, 2008, and the Recreation Enterprise Fund Temporary Amendment Act of 2008, signed by the Mayor on July 28, 2008 (D.C. Act 17-480; 55 DCR 9030), is not expected to become law until October 20, 2008.

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

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Recreation Enterprise Fund Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-784

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

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

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

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

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

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

(d) The Adams Morgan Taxicab Zone Emergency Amendment Act of 2008, effective July 16, 2008 (D.C. Act 17-428; 55 DCR 8252), will expire on October 14, 2008. The Adams Morgan Taxicab Zone Temporary Amendment Act of 2008, (D.C. Act 17-484; 55 DCR 9148), has a projected D.C. Law date of October 20, 2008. This emergency is necessary to fill any gap in 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 Adams Morgan Taxicab Zone Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-785

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to place a moratorium on the issue of new licenses for limousine organizations and independently operated limousines and to place a moratorium on the establishment of new taxicab companies, associations, and fleets.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Taxicab Company, Association, and Fleet and Limousine License Moratorium Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate crisis regarding the proper regulation of the taxicab and limousine industry in the District of Columbia.

(b) The dramatic recent growth in the number of taxicab companies, associations, and fleets, and of limousine organizations and independently operated limousines, has exceeded the ability of the District of Columbia Taxicab Commission to ensure that these entities are in compliance with rules governing operating and ownership standards.

(c) A moratorium on new taxicab companies, associations, and fleets, and on new limousine organizations and independently operated limousines, must be established immediately to give the District of Columbia Taxicab Commission time to ensure that current companies, associations, fleets, and organizations are in compliance with existing regulations and to devise and adopt procedures for managing the current size of the taxicab and limousine industry.

(d) The Taxicab Company, Association, and Fleet and Limousine License Moratorium Emergency Amendment Act of 2008, effective August 4, 2008 (D.C. Act 17-490; 55 DCR 9162), will expire on November 2, 2008. Permanent legislation, Bill 17-703, approved by the Council on September 16, 2008, has been transmitted to the Mayor for review. This emergency is necessary to fill any 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 Taxicab Company, Association, and Fleet and Limousine License Moratorium Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-786

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide equitable real property tax relief to certain property owned by Washington Parks & People, a tax-exempt organization.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Parks & People Equitable Real Property Tax Relief Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate crisis regarding the real property located at Lots 0841, 0847, 0848, and 0851, Square 2841, which are 4 parcels of vacant nuisance properties in North Columbia Heights.

(b) Washington Parks & People is a nonprofit organization dedicated to restoring and enhancing public parks in the National Capital Region. Washington Parks & People will create a public park at these 4 parcels ending almost 2 decades of nuisance properties and ultimately saving the District much money.

(c) In the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), the Council approved \$140,000 in one-time funding to Washington Parks & People for costs associated with the reclamation of the 4 parcels.

(d) This final piece of equitable tax relief is the last component necessary to ensure that this vacant, nuisance property is returned to productive use as valuable park land for the people of the District.

(e) The Washington Parks & People Equitable Real Property Tax Relief Emergency Act of 2008, effective August 4, 2008 (D.C. Act 17-489; 55 DCR 9160), will expire on November 2, 2008. Temporary legislation, D.C. Act 17-530, approved by the Council on September 16, 2008, was signed by the Mayor on October 1, 2008, and will be transmitted to Congress for its review. This emergency is necessary to fill any 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 Washington Parks & People Equitable Real Property Tax Relief Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-787

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend section 16-2326.01 of the District of Columbia Official Code to increase the maximum for attorney compensation in neglect and termination of parental rights proceedings.

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

Sec. 2. (a) On July 28, 2008, the Appointed Attorney Compensation Emergency Act of 2008, effective July 28, 2008 (D.C. Act 17-455; 55 DCR 8717), was enacted to increase the maximum compensation of appointed attorneys in neglect and termination of parental rights proceedings.

(b) Permanent legislation, Bill 17-757, the Appointed Attorney Compensation Act of 2008, passed 2nd reading on September 16, 2008.

(c) Emergency legislation is necessary to prevent a gap in legal authority between the expiration of D.C. Act 17-455 and Bill 17-757 becoming law.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-788

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Historic Landmark and Historic District Protection Act of 1978 to exempt historic housing grants from computation as District gross taxable income.

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

Sec. 2. (a) Several residents in Historic Anacostia are participating in the District's Historic Homeowners Grant Program, a grant program targeted at 12 of the District's traditionally underserved historic districts.

(b) The program is a first for the District. The residents of Historic Anacostia are the sole recipients of the District's first round of grants.

(c) The Office of Tax and Revenue has ruled that grants issued under the program are taxable as District gross income.

(d) The grants current tax status makes many residents hesitant to accept them.

(e) Residents who have already accepted the grant feel misled because they spent a year or more on the grant process with the understanding that the grants would be tax-free.

(f) The Targeted Historic Housing Preservation Assistance Emergency Amendment Act of 2008, Act 17-470, will expire on October 26, 2008. The temporary is not expected to become law until a date uncertain. Additional emergency legislation is needed to fill the gap between the expiration of the original emergency legislation and the completion of the Congressional review period for the temporary legislation.

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 Targeted Historic Housing Preservation Assistance Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-789

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property located on federal property in the District of Columbia and used by the United States Department of the Air Force, and to provide equitable real property tax relief for the real property.

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

Sec. 2. (a) The United States Air Force has leased certain land at Bolling Air Force Base to BLB Privatized Housing, LLC ("BLB").

(b) Pursuant to the terms of the lease, the title to certain ground, upon which housing and ancillary facilities currently exist, will be leased to BLB and the improvements will be transferred via deed to, and will vest in, BLB.

(c) Title to this specified and limited portion of Bolling Air Force Base will vest in BLB solely for purposes consistent with congressionally mandated military housing initiatives and will allow the design, financing, construction, renovation, management, operation and maintenance of the housing units at Bolling.

(d) Consistent with the military housing initiatives concept, BLB will obtain financing from a private lender and will supervise demolition or renovation of existing housing and construction of new housing and ancillary facilities in accordance with specifications provided, by, and plans approved by, the United States Air Force.

(e) This development is substantially similar to the plan utilized at Walter Reed Army Base, Washington, D.C., several years ago.

(f) To allow this important housing initiative to move forward, legislative action is needed on an emergency basis to exempt from taxation certain real property located on federal property in the District of Columbia and used by the United States Air Force and to provide equitable real property tax relief for the property.

(g) The Bolling Air Force Base Military Housing Real Property Tax Exemption and Equitable Tax Relief Emergency Act of 2008, Act 17-469 will expire on October 26, 2008. The

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temporary legislation is not expected to become law until a date uncertain. Emergency legislation is needed to fill the gap between the expiration of the original emergency legislation and the completion of the Congressional review period for the temporary legislation.

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 Bolling Air Force Base Military Housing Real Property Tax Exemption and Equitable Tax Relief Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-790

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

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

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

Sec. 2. (a) On June 23, 2008, the Chairman, at the request of the Mayor, introduced Bill 17-810, the Abatement of Nuisance Properties and Tenant Receivership Emergency Act of 2008, and Bill 17-811, the Abatement of Nuisance Properties and Tenant Receivership Temporary Act of 2008, which were approved by the Council unanimously.

(b) Bills 17-810 and 17-811 addressed an immediate need to improve the District's ability to take corrective actions against nuisance properties, include construction code and property maintenance code violations as bases for summary correction of life or health threatening conditions, extend relocation and storage expense assistance to displaced tenants while a condemnation proceeding is pending, clarify the Mayor's right to inspect housing accommodations and to apply for administrative search warrants, add construction and property maintenance code violations as bases for the appointment of a tenant receivership, remove the 50% limit on the amount of rent available for abatement actions by a receiver, provide that a receiver may be ordered where a rental housing accommodation is operated in a manner that demonstrates a pattern of neglect for the property for 30 successive days, provide that service of notices of violation may be effected by posting the notices in or about the property, provide that a court may order, in appropriate circumstances, a respondent to contribute funds in addition to amounts collected as rent for the abatement of housing code violations, and permit both civil and criminal sanctions for housing code violations.

(c) Earlier this year, the Office of the Attorney General filed suit against several housing providers for failure to abate numerous housing violations. The suit relies heavily on the provisions of the emergency bill. However, Bill 17-810 expired October 6, 2008 and, because Congress was recessed, Bill 17-811 will not become effective until October 20, 2008.

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(d) The lawsuit is potentially jeopardized should a gap occur in legislative authority. In order not to impede the lawsuit, it is necessary to enact Congressional Review emergency legislation.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Abatement of Nuisance Properties and Tenant Receivership Congressional Review Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

17-791

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Ms. Willa Day Morris to the Board of Social Work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Social Work Willa Day Morris Confirmation Resolution of 2008".

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

Ms. Willa Day Morris
4445 Harrison Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a licensed social worker member of the Board of Social Work, established by section 212 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.12), for a term to end March 3, 2011, replacing Ms. Robin Yvette Jenkins, whose term ended March 3, 2008.

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

Sec. 4. This resolution shall take effect immediately.

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17-792

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Dr. Eileen Dombo to the Board of Social Work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Social Work Eileen Dombo Confirmation Resolution of 2008".

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

Dr. Eileen Dombo
3311 Legation Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a licensed social worker member of the Board of Social Work, established by section 212 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.12), for a term to end on March 3, 2010, replacing Ms. Bonnie Lynn Gallagher, whose term ended March 3, 2007.

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

Sec. 4. This resolution shall take effect immediately.

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17-793

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Ms. Sharon Cascone to the Board of Social Work.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Social Work Sharon Cascone Confirmation Resolution of 2008".

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

Ms. Sharon Cascone
5714 3rd Place, N.W.
Washington, D.C. 20011
(Ward 4)

as a licensed social worker member of the Board of Social Work, established by section 212 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.12), for a term to end March 3, 2009.

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

Sec. 4. This resolution shall take effect immediately.

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17-794

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To approve the proposed rules concerning solicitations for design, development, and construction of a District office building to be known as the Anacostia Gateway Government Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Procurement by Competitive Sealed Proposals Amendment Approval Resolution of 2008".

Sec. 2. Pursuant to section 205(b) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.05(b)), the Mayor, on May 14, 2008, transmitted to the Council proposed rules concerning solicitations for design, development, and construction of a District office building to be known as the Anacostia Gateway Government Center. The Council approves the proposed rules, published at 55 DCR 2944, to amend Chapter 16 of Title 27 of the District of Columbia Municipal Regulations.

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

Sec. 4. The Council adopts the fiscal impact statement of the Budget Director, dated October 7, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-795

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Ms. Hammere Gebreyes to the Commission on African Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on African Affairs Hammere Gebreyes Confirmation Resolution of 2008".

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

Ms. Hammere Gebreyes
560 N Street, S.W.
Washington, D.C. 20032
(Ward 6)

as a member of the Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393), for a term to end 3 years after the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-796

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Ms. Chinwe Binitie to the Commission on African Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on African Affairs Chinwe Binitie Confirmation Resolution of 2008".

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

Ms. Chinwe Binitie
72 V. Street, N.W.
Washington, D.C. 20001
(Ward 5)

as a member of the Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393), for a term to end 3 years after the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-797

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Ms. Nana R. Seshibe to the Commission on African Affairs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on African Affairs Nana R. Seshibe Confirmation Resolution of 2008".

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

Ms. Nana R. Seshibe
3809 10th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393), for a term to end one year after the date of appointment.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-798

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$42,469,000 in one or more series and to authorize and provide for the loan of the proceeds of the bonds to the American Society of Hematology, Inc., to assist 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 "American Society of Hematology, Inc., Revenue Bonds Project Approval Resolution of 2008".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the American Society of Hematology, Inc., a nonprofit organization exempt from federal income taxes.

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

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

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

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

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

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

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

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

(A) The acquisition, construction, renovation, upgrading, build-out, equipping, and furnishing of a building located at 2021 L Street, N.W., Washington, D.C. 20036 (Lot 0103, Square 0100);

(B) The funding, if necessary or appropriate, of any capitalized interest;

(C) The funding, if necessary or appropriate, of any debt service reserve fund or other reserve fund;

(D) All or a portion of the Issuance Costs; and

(E) Any necessary bond insurance or other credit enhancement.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of costs 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.

ENROLLED ORIGINAL

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$42,469,000 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 within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$42,469,000; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

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

Sec. 5. Bond details.

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

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

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

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

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

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

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their respective stated maturities;

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Sale of the bonds.

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

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

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bonds.

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

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds 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 that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

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

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

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

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and

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delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

Sec. 11. District officials.

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

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resolution, the bonds, the Financing Documents, or the Closing Documents.

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

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.

ENROLLED ORIGINAL

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the September 22, 2008 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-799

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To confirm the appointment of Mr. Marvin Bowser to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Marvin Bowser Confirmation Resolution of 2008".

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

Mr. Marvin Bowser
2501 33rd Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), replacing Maurice Shorter, whose term ended June 30, 2008, for a term to end June 30, 2011.

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

Sec. 4. This resolution shall take effect immediately.