

ENROLLED ORIGINAL

A RESOLUTION

17-857

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To confirm the appointment of Ms. Deborah M. Royster 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 Deborah M. Royster Confirmation Resolution of 2008".

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

Ms. Deborah M. Royster
1850 Redwood Terrace, N.W.
Washington, D.C. 20012
(Ward 4)

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 Gertrude Saleh, 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.

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A RESOLUTION

17-858

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To confirm the appointment of Mr. Scott D. Kubly to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Taxicab Commission Scott D. Kubly Confirmation Resolution of 2008".

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

Mr. Scott D. Kubly
1323 Taylor Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a public member of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304), replacing Theresa Travis, whose term ended May 4, 2006, for a term to end May 4, 2011.

Sec. 3. 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

17-859

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To confirm the appointment of Mr. Paul Cohn to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Taxicab Commission Paul Cohn Confirmation Resolution of 2008".

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

Mr. Paul Cohn
1325 21st Street, N.W.
Washington, D.C. 20036
(Ward 2)

as an industry member of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304), replacing William Carter, whose term ended May 4, 2004, for a term to end May 4, 2009.

Sec. 3. 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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A RESOLUTION

17-860

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To approve multiyear Contract No. DCRK-2008-C-0042 with Sedgwick Claims Management Services, Inc. to provide third-party claims administration for the District's Self-Insured Workers' Compensation Program (currently known as Disability Compensation Program).

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCRK-2008-C-0042 Approval Resolution of 2008".

Sec. 2. 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), the Council approves Contract No. DCRK-2008-C-0042, a multiyear agreement with Sedgwick Claims Management Services, Inc., to provide third-party claims administration for the District's Self-Insured Workers' Compensation Program (currently known as Disability Compensation Program), in the amount of \$9,290,245 for a term of 3 years from the date of award.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director, dated November 14, 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. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-861

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 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 \$11 million in one or more series pursuant to a plan of finance and to authorize and provide for the loan of the proceeds of the bonds to the Wesley Theological Seminary of the United Methodist Church 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 "Wesley Theological Seminary 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 Wesley Theological Seminary, a Maryland corporation 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) "Costs" means all fees, costs, charges, and expenses paid or incurred in connection with undertakings, other than Issuance Costs, permitted under section 490 of the Home Rule Act.

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

(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. 777; 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, 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 (if any), 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.

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

(13) "Project" means:

(A) The financing, refinancing, or reimbursing of all or a portion of the costs incurred by the borrower in connection with the expansion and renovation of facilities located at 4500 Massachusetts Avenue, N.W., Washington, D.C. 20016 (Lots 006, 007, 008, and 009, Square 1600) including:

(i) Residential buildings of approximately 90,500 gross square feet;

(ii) A library building of approximately 29,000 gross square feet;

(iii) A support building for maintenance and related uses of approximately 7,500 gross square feet above grade;

(iv) Parking lot improvements, internal roadway improvements, and a below-grade parking structure of approximately 50,000 square feet;

(v) Landscaping and other land improvements; and

(vi) The renovation of existing structures comprising approximately 37,000 gross square feet;

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(B) The acquisition and renovation of approximately 8,000 square feet of space in a 12-story (above grade) building to be used as dormitories/apartments at 900 Massachusetts Avenue, N.W., Washington, D.C. 20001 (Lot 828, Square 371);

(C) The purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the facilities described in subparagraphs (A) or (B) of this paragraph;

(D) The refinancing, in whole or in part, of existing indebtedness;

(E) Certain working capital expenditures;

(F) Capitalized interest;

(G) Any required deposit to a debt service reserve fund or other reserve fund;

(H) Issuance costs; and

(I) The Costs of any bond insurance or other credit enhancement.

Sec. 3. Findings.

The Council finds that:

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

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$11 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the operation by the borrower of a theological seminary, and education, 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.

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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 \$11 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, 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 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;

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(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 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 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.

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Sec. 7. Payment and security.

(a) The principal of, premium, if any, on, 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 from 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 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 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.

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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 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.

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

(b) The District reserves the right to issue 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.

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

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

17-862

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 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 \$80 million in one or more series or issues as part of a single plan of financing and to authorize and provide for the loan of the proceeds of the bonds to assist the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, doing business as Sibley Memorial Hospital, 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 "Sibley Memorial Hospital 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 Lucy Webb Hayes National Training School for Deaconesses and Missionaries, doing business as Sibley Memorial Hospital, a District of Columbia corporation 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

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and to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

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

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 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 (if any), 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.

(12) "Project" means:

(A) The financing, refinancing, or reimbursing of all or a portion of the costs incurred by the borrower in connection with the construction, renovation, furnishing, and equipping of various facilities owned or to be owned by the borrower located at 5255 Loughboro Road, N.W., and 5275 Loughboro Road, N.W., Washington, D.C. 20016 (Lot 1448, Square 0026) ("Facilities"), including, but not limited to:

(i) An approximately 140,000 square foot, above-grade, mixed-use building, which may include physician offices, outpatient services, a pharmacy, diagnostic imaging center, auditorium, café, and parking garage; and

(ii) Certain portions of the Facilities that functionally support or are related to the items described in this paragraph; and

(B) The paying of certain expenditures associated therewith including, without limitation, Issuance Costs, reserves, and credit enhancement costs.

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

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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 an aggregate principal amount not to exceed \$80 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

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

(4) The project is an undertaking in the area of a medical facility 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 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 \$80 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, 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;

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- (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 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.

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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 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 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, on, 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 from 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.

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(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 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 Financing Documents and the Closing Documents, including those Financing Documents and Closing Documents to which the District is not a party.

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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(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 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

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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.

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 fiscal impact statement in the committee report 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

17-863

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To confirm the appointment of Mr. Bart Lasner to the District of Columbia Taxicab Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Taxicab Commission Bart Lasner Confirmation Resolution of 2008".

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

Mr. Bart Lasner
1112 M Street, N.W.
Washington, D.C. 20005
(Ward 2)

as an industry member of the District of Columbia Taxicab Commission, established by section 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-304), replacing Stanley Tapscott, whose term ended May 4, 2006, for a term to end May 4, 2011.

Sec. 3. 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

17-864

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To confirm the appointment of Mr. Peter J. Nickles as the Attorney General for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Attorney General Peter J. Nickles Confirmation Resolution of 2008".

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

Mr. Peter J. Nickles
9341 Cornwell Farm Road
Great Falls, VA 22066

as the Attorney General for the District of Columbia, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-865

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To appoint Ms. Susan M. Banta as the Policy Director to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Policy Director to the Council of the District of Columbia Susan M. Banta Appointment Resolution of 2008".

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

Ms. Susan M. Banta
2500 Springland Lane, N.W.
Washington, D.C. 20008
(Ward 3)

as Policy Director to the Council of the District of Columbia.

Sec. 3. This resolution shall apply as of October 6, 2008.

Sec. 4. This resolution shall take effect immediately pursuant to section 204 of the District of Columbia Codification Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Official Code § 2-602).

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A RESOLUTION

17-866

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To declare the existence of an emergency with respect to the need to repeal provisions requiring the Boys and Girls Clubs of Greater Washington to submit for Council approval a plan for its real property in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Boys and Girls Clubs of Greater Washington Plan Repeal Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to repeal section 3016 of the Fiscal Year 2009 Budget Support Act of 2008.

(b) Section 3016 of the Fiscal Year 2009 Budget Support Act of 2008, approved August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), requires the Boys and Girls Clubs of Greater Washington to submit a plan for its real property located within the District of Columbia to the Council of the District of Columbia for approval before any funds may be disbursed to the Boys and Girls Clubs of Greater Washington in fiscal year 2009.

(c) The Boys and Girls Clubs of Greater Washington ("Clubs") has substantial debt. Their efforts to monetize their assets, including the offer to purchase the Eastern Branch facility by a charter school, have been unsuccessful. Additionally, the Clubs are in jeopardy of missing their next payroll.

(d) The Clubs has been very responsive to the section 3016 requirement to provide a plan for its real property, and the ensuing discussions have included a number of elements to which the Clubs were preliminarily agreeable:

(1) The Clubs accept a deed restriction on its Jelleff Branch property in return for the District providing \$2 million annually for 5 years. The deed restriction would require the Clubs to give the District right of first refusal or to repay the District, with interest, should the Jelleff Branch property ever be sold.

(2) The Clubs agree to attain a strong fiscal condition – agreeing to operate with balanced budgets, pay off its debt, and build its endowment.

(3) The Clubs agree to continue operating 9 clubs in the District, thus ensuring

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continued recreational and educational activities for District youth throughout the District.

(4) The District, subject to anti-deficiency, continues to fund approximately \$1.1 million over the next 5 years, as already funded in the fiscal year 2009 budget.

(e) Notwithstanding the Clubs' acceptance of these terms in general, agreement could not be reached to satisfy all parties.

(f) If the funds appropriated in the fiscal year 2009 budget are not released, the Boys and Girls Clubs of Greater Washington will be faced immediately with deciding what services or locations to cut in the District.

(g) The Boys and Girls Clubs of Greater Washington provide excellent programming to District youth. The Council wants to follow through with its budget commitment to provide approximately \$1.1 million to the Clubs.

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 Boys and Girls Clubs of Greater Washington Plan Repeal Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-867

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To declare the existence of an emergency with respect to the need to amend section 704 of the Public Education Reform Act of 2007 to clarify the duties of the Office of Public Education Facilities Modernization to reflect the clear intent of the Council in the creation of the agency so that maximum efficiencies of service and appropriate contracting and procurement protocols are maintained.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Public Education Facilities Modernization Clarification Emergency Declaration Resolution of 2008".

Sec. 2. (a) On November 5, 2008, the Mayor announced the intent of the administration to transfer capital projects, which the Council approved to be managed by the Department of Parks and Recreation ("DPR"), from DPR to the Office of Public Education Facilities Modernization ("OFM").

(b) When the Council established OFM in the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-455), the duties of the office were stated in conclusive terms, and the scope of OFM's authority was limited to District of Columbia Public Schools ("DCPS") facilities.

(c) During Council discussions regarding the creation of OFM, it was determined that this office was necessary to create an efficient public education system by relieving the Chancellor of capital project duties. It was also determined that OFM should be given independent contracting and procurement authority, excepting them from traditional bidding regulations, to increase efficiencies and costs by expedited school modernization. The Council made this exception for OFM after Executive testimony that public school facilities needed to be addressed immediately.

(d) No District agencies, other than DCPS, were contemplated by the Council in granting OFM exceptions from traditional contracting and procurement regulations.

(e) With the addition of non-public school facilities to the portfolio of OFM projects, this may nullify the efficiency in addressing public school modernization originally contemplated by the Council in the establishment of OFM.

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(f) The Council was not notified in time to contemplate prudent legislative remedies, including the creation of appropriate accounting standards, if the transfer of non-public school facility capital projects from DPR to OFM is in the best interest of the District.

(g) The management of non-public school facility capital projects by OFM is in direct contrast to the language of the law establishing OFM. Therefore, a clarification of responsibilities is required prior to OFM taking actions outside the scope of its authority.

Sec. 3. The Council of the District of Columbia determines that the circumstance enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Public Education Facilities Modernization Clarification Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-868

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To declare the existence of an emergency with respect to the need to amend the Health Occupations Revision Act of 1985 to permit pharmacists licensed in the District of Columbia to administer immunizations and vaccinations when certified by the Board of Pharmacy to do so, to amend the definition of the practice of pharmacy, to amend the definition of prescription to include approved electronic forms, and to allow pharmacists who are certified to administer vaccinations and immunizations to administer emergency anaphylactic treatment pursuant to an approved protocol.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Pharmacy Practice Emergency Declaration Resolution of 2008".

Sec. 2. (a) Safe and effective vaccines protect against disease, disability, and death from communicable diseases. Despite the availability of immunizations and vaccinations, approximately 50,000 people nationwide die each year from vaccine-preventable diseases or their complications.

(b) In the District of Columbia in 2007, 83% of children were fully immunized and 60% of adults received the influenza vaccination. Of those who die of influenza, 75% to 90% visit a physician as an outpatient in the year before their death but are not vaccinated.

(c) Poorer health status and presence of health insurance increase the likelihood of being immunized or vaccinated. Individuals who are black or have a self-perceived cost barrier to receiving health care are less likely to be immunized or vaccinated.

(d) Individuals who reside in states where pharmacists are allowed to administer immunizations and vaccinations are 10.6% more likely to be immunized than individuals who live in states where pharmacists cannot administer immunizations and vaccinations. This difference holds true when controlling for other demographic factors such as gender, race, income, health insurance, and self-perceived health status. Further, states where pharmacists are certified to administer immunizations and vaccinations see increased visits to primary care physicians and report more return visits for annual immunizations.

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(e) The District of Columbia remains one of 2 jurisdictions in the United States that has not yet passed legislation allowing pharmacists to administer immunizations and vaccinations.

(f) The Committee on Health held a hearing on the Pharmacy Practice Amendment Act of 2008 ("Act") on October 22, 2008. Testimony provided by the Department of Health and representatives from the pharmacy community supported the proposed legislation and acknowledged the significant public-health benefit realized when pharmacists are permitted to administer immunizations and vaccinations.

(g) The Committee on Health voted unanimously in favor of the Act at an additional meeting held on November 12, 2008.

(h) The Committee on Health has requested that the Act be reviewed by the Committee of the Whole on November 18, 2008, but if pharmacists are not immediately granted the ability to administer immunizations and vaccinations, vulnerable populations will remain susceptible to preventable illness.

(i) Given the demonstrated health benefit of immunizations and vaccinations and the impending influenza season, it is imperative that pharmacists licensed in the District of Columbia are granted the ability to administer immunizations and vaccinations as expeditiously as possible.

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 Pharmacy Practice 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

17-869

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To declare the existence of an emergency with respect to the need to amend the Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006 to include the approval of easements for use of the closed public alley.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square 375, S.O. 06-656, Clarification Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Council unanimously approved Bill 16-952, the Closing of a Public Alley in Square 375, S.O. 06-656, Act of 2006, effective March 14, 2007 (D.C. Law 16-291; 54 DCR 987)("D.C. Law 16-291").

(b) The alley closing was approved to facilitate the re-development of the First Congregational United Church of Christ ("Church") in new facilities along with the development of the air rights space above the Church's facilities ("Development"). The Development has been determined to have a positive fiscal impact on the District of Columbia through the generation of new real property tax on a real property that is currently tax-exempt. The Development will create more than 100 jobs during construction and will result in the creation of new commercial office space in downtown D.C.

(c) Advisory Neighborhood Commission 2C, the advisory neighborhood commission within which the project is located, supported the alley closing.

(d) As a result of D.C. Law 16-291, the District became the owner of ½ of the closed public alley, being a parcel of property containing approximately 1,827 square feet of land area, with a width of approximately 9 feet, running north-south from G Street, N.W., to G Place, N.W., adjacent to the west side of the Martin Luther King Jr. Memorial Library ("MLK Alley"). The Church became the owner of the other half of the closed public alley, being a parcel of property containing approximately 1,827 square feet of land area, with a width of approximately 9 feet, and running north-south from G Street, N.W., to G Place, N.W., adjacent to the east side of the Church's property ("Church Alley"). During the public hearing for the proposed alley closing, the District, through the Office of Property Management, and the Church expressed the

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intent to grant and receive easements for use of the public alley to be closed, including perpetual non-exclusive pedestrian and vehicular easements. The authority to enter into such agreement was inadvertently not included in D.C. Law 16-291.

(e) As a result of the current economic conditions, it is essential that the exchange of easements, including for vehicular and pedestrian use, over the MLK Alley and the Church Alley be in place for financing to be finalized for continued construction of the Development.

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 Closing of a Public Alley in Square 375, S.O. 06-656, Clarification 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

17-870

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To declare the existence of an emergency with respect to the need to approve Change Order No. 1, Change Order No. 2, and proposed Change Order No. 3 to Contract No. DCAM-2007-C-0092 with Minkoff Company, Inc., to replace the Eastern Market roof, and to authorize payment for the services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-2007-C-0092 Change Orders Approval and Payment Authorization Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to approve Change Order No. 1, Change Order No. 2., and proposed Change Order No. 3 to Contract No. DCAM-2007-C-0092 to replace the Eastern Market roof, and to authorize payment for services received and to be received under that contract.

(b) Effective on August 28, 2007, the Office of Contracting and Procurement, on behalf of the Office or Property Management, awarded Contract No. DCAM-2007-C-0092 to Minkoff Company, Inc., to provide roof repair and rebuilding services in the amount of \$2,591,326.50.

(c) On January 22, 2008, Change Order No. 1 was issued on this project in the amount of \$190,104.

(d) On January 29, 2008, Change Order No. 2 was issued in the amount of \$129,714.

(e) Change Order No. 3 is now necessary for additional services in the amount of \$767,118.

(f) Council approval is necessary as these modifications increase the contract by more than \$1 million (\$1,086,936) during a 12-month period.

(g) Council approval is necessary for the District to meet the project schedule for a completed, restored Eastern Market, an invaluable District asset. If the change orders are not approved by November 18, 2008, the Eastern Market renovations may be delayed by 2 months. The delay cannot be accounted for by shortening the project schedule because of the long lead time for the contractor to obtain the special roof materials, and, in turn, interior renovations cannot be commenced until the roof is completed. Without Council approval, Minkoff Company, Inc., cannot be paid for services in excess of \$999,999.

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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 Contract No. DCAM-2007-C-0092 Change Orders Approval and Payment Authorization Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-871

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 18, 2008

To declare the existence of an emergency with respect to the need to amend the Inclusionary Zoning Implementation Amendment Act of 2006 to require that final rulemaking to implement inclusionary zoning, including the maximum rent and purchase price schedule, be published by a time certain.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inclusionary Zoning Final Rulemaking Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Sense of the Council in Support of Mandatory Inclusionary Zoning Resolution of 2005 was unanimously passed by the Council on July 6, 2005 (Res. 16-218; 52 DCR 6702).

(b) The Zoning Commission for the District of Columbia adopted Inclusionary Zoning Regulations on August 25, 2006 (Zoning Commission No. 04-33; 53 DCR 7013).

(c) The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*) ("Act"), was passed by the Council of the District of Columbia unanimously on December 19, 2006, and signed by the Mayor on December 28, 2006.

(d) Funds to administer the Act have been available since the beginning of fiscal year 2008. Funds were requested in the Fiscal Year 2008 Budget Request Act, signed by the Mayor on May 25, 2007 (D.C. Act 17-51; 54 DCR 5506), and were appropriated by Congress in the Joint Resolution Making further continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub. L. No. 110-92; 121 Stat. 989). Funds were also requested in the Fiscal Year 2009 Budget Request Act, signed by the Mayor on June 18, 2008 (D.C. Act 17-409; 55 DCR 6990), and were appropriated by Congress in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, approved September 27, 2008 (Pub L. No. 110- 329; 122 Stat. 3574).

(e) The Act requires the Mayor to promulgate regulations to implement the Inclusionary Zoning Program and to publish the maximum rent and purchase price schedule in the District of Columbia Register.

ENROLLED ORIGINAL

(f) Pursuant to the Inclusionary Zoning Implementation Emergency Amendment Act of 2008, passed by the Council unanimously on February 4, 2008 (D.C. Act 17-304; 55 DCR 2514), the Mayor, on April 4, 2008, submitted to the Council for review and approval proposed rulemaking to implement the Inclusionary Zoning Program (PR 17-747, the Inclusionary Zoning Program Implementing Regulations Approval Resolution of 2008), which was deemed approved by the Council on May 19, 2008. This proposed rulemaking, including the proposed maximum rent and purchase price schedule, was published on April 11, 2008, in the District of Columbia Register (55 DCR 2865).

(g) Final rulemaking, including the maximum rent and purchase price schedule, has not yet been published.

(h) The Council on October 21, 2008, passed the Inclusionary Zoning Regulations Emergency Amendment Act of 2008 (D.C. Act 17-571), requiring the publication of the final inclusionary zoning regulations by December 5, 2008, and limiting the implementation period for the regulations to 30 days.

(i) The Administration has stated that because of significant changes that will be made to the proposed rulemaking based on comments received since the initial notice of proposed rulemaking, a revised notice of proposed rulemaking will be published for public comment.

(j) The Administration has further stated that final rules will be published in a timely manner after the public-comment period.

(k) The Administration has further stated that 90 days are needed for District agencies to finalize plans for the implementation of the rules after the notice of final rulemaking is published.

(l) Emergency legislation is needed to provide that the final rulemaking and publication requirements for the Inclusionary Zoning Program be met expeditiously, by a date certain, to prevent the potential loss of affordable dwelling units in new residential developments that would be required pursuant to the Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Inclusionary Zoning Final Rulemaking Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.