

## ENROLLED ORIGINAL

## A RESOLUTION

18-221

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to accept the dedication of land for street and alley purposes, to amend the permanent system of highways to add land to create new public streets, to designate the new public streets as Water Lily Lane, N.E. and Cassell Place, N.E., and to approve the proposed transfer of jurisdiction of land from the National Park Service to the District of Columbia for residential purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Modifications To The Permanent System Of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07-3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28, Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council passed on 1<sup>st</sup> reading on June 30, 2009 and final reading on July 14, 2009, the Modifications To The Permanent System Of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07-3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28 Act of 2009 (Enrolled version of Bill 18-195), on which a public hearing was held by the Committee of the Whole on June 5, 2009.

(b) Bill 18-195 would accept the dedication of land for street and alley purposes; amend the permanent system of highways to add land to create new public streets; designate the new public streets as Water Lily Lane, N.E. and Cassell Place, N.E.; and approve the proposed transfer of jurisdiction of land from the National Park Service to the District of Columbia, for residential purposes. The legislation will facilitate the development of a mixed-income housing development known as the Linda Joy and Kenneth Jay Pollin Memorial Community, which includes 83 homeownership units and 42 replacement rental housing units. The 42 replacement rental units represent a one-for-one replacement of existing subsidized public housing at Parkside Additions.

(c) The residential development of the site is expected to generate approximately \$184,000 in annual income taxes, \$58,000 in annual real property taxes, \$144,000 in deed transfer and recordation taxes from the initial sales of the homeownership units, \$570,000 in construction sales taxes, and \$399,000 in projected permit and utility fees.

**ENROLLED ORIGINAL**

(d) There exists an immediate need to approve this legislation on an emergency basis to allow the project facilitated by the legislation to proceed expeditiously and ensure the feasibility of the project.

(e) Approval of emergency legislation will allow for the timely issuance of a building permit authorizing construction.

(f) It will also permit the District and District of Columbia Housing Authority ("DCHA") to start the conveyance process required to subdivide the land into lots and start the land development and construction process.

(g) Enactment of emergency legislation will also enable the DCHA to work on the relocation process required for the public housing residents, which DCHA and the residents want to coordinate as close to school schedules 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 Modifications To The Permanent System Of Highways and Designation of Water Lily Lane, N.E., and Cassell Place, N.E., S.O. 07-3090, and Transfer of Jurisdiction of Portions of Parcel 170/27 and Parcel 170/28, Emergency Act of 2009 be adopted after single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-222

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to extend the length of time allowed for the Commissioner of the Department of Insurance, Securities, and Banking to review Group Hospitalization and Medical Services, Inc.'s surplus; and to suspend the implementation of section 2(f) of the Medical Insurance Empowerment Amendment Act of 2008 to suspend implementation of the open enrollment provisions of the amendatory act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medical Insurance Empowerment Surplus Review Emergency Declaration Resolution of 2009".

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

- (1) The Medical Insurance Empowerment Amendment Act of 2008 ("Act") became law on March 25, 2009.
- (2) The Act provides a framework to ensure that nonprofit hospital and medical services corporations pursue their public health mission.
- (3) The Act required the Department of Insurance, Securities, and Banking ("Department") to conduct a review of the surplus of medical services corporations within 120 days. The review is intended to determine whether the surplus is unreasonable excessive in light of corporation's public health mission as a charitable and benevolent institution and how much of the surplus could be allocated to the District of Columbia.
- (4) The allocation of the surplus between the corporation's service area, which includes the District of Columbia, Maryland, and Virginia, is a question of first impression, and the Department needs more time for research to determine the proper method to calculate the allocation.
- (5) Section 2(f) of the Act requires medical services corporations to continue to offer the open enrollment program to each subscriber as long as the subscriber renews his or her coverage under the program, sets affordability and adequacy standards for the open enrollment program, requires the medical service corporations to advertise the availability of the open

**ENROLLED ORIGINAL**

enrollment program, and requires that the medical services corporations enroll a minimum of 2500 subscribers in the open enrollment program.

(6) On April 7, 2009, the Council approved emergency legislation to suspend the implementation of section 2(f) on an emergency basis so that the Council could review the provision to determine the financial effects of increasing coverage.

(7) Since that time, the Committee on Public Services and Consumer Affairs (“Committee”) has reviewed this provision and has tentatively identified a more efficient method to increase quality, affordable health care options for District residents that will not require this mandatory expansion of the open enrollment program.

(8) In consideration of the circumstances which have changed since the enactment of the Act and the prior emergency legislation, the accompanying emergency will extend the timelines on these 2 important provisions.

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 Medical Insurance Empowerment Surplus Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-223

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to order the closing of a public alley in Square 5928, bounded by Lots 14 through 20 and 91 through 93 at the intersection of Valley Avenue, S.E., and 13<sup>th</sup> Street, S.E., in Ward 8.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square 5928, S.O. 08-4393, Emergency Declaration Resolution of 2009".

Sec. 2. (a) The alley closing legislation will help facilitate the redevelopment of Wheeler Terrace, a multifamily affordable housing development that consists of 116 units in 7 garden-style buildings.

(b) All 7 buildings were originally constructed in the 1940s and are in need of complete interior and exterior renovations.

(c) The renovations will include all units, all common areas, all interiors, and all building exteriors, as well as extensive site improvements.

(d) The owner seeks to privatize the alley to enhance security on the property, which has had a history of violent crime associated with drug trafficking in the alley areas surrounding the building. The current configuration blocks the alley from view and contributes to this activity going largely unchecked.

(e) Privatizing the alley will give the owner greater site control and allow for the construction of perimeter security fencing, with pedestrian and vehicle gates as well as the construction of 42 secure off-street parking spaces for residents.

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 5928, S.O. 08-4393, Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-224

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to establish the criminal offense of being voluntarily present in a motor vehicle containing a firearm that is not lawfully carried nor lawfully transported; to establish a criminal offense for entering or remaining in a motor vehicle without consent; to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so; to establish a Gang and Crew Intervention Joint Working Group to coordinate responses to high-profile youth violence; to amend the District of Columbia Election Code of 1995 to prohibit the destruction of campaign materials for the period beginning 30 days before and ending 4 days after any election, initiative, referendum, or recall, and to establish a civil infraction as a penalty for violations; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to extend the deadline for completion of criminal code reform to 2012; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until April 30, 2013, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification; to amend the District of Columbia Mental Health Information Act of 1978 to clarify the authorization period for a person to release mental health information, to provide for emergency authorization of disclosure, to provide for disclosure of mental health information under certain circumstances to correctional institutions or law enforcement officials, and to authorize the court to order disclosure or redisclosure of mental health information; to amend the Firearms Control Regulations Act of 1975 to establish a gun-offender registry and require the registration of gun offenders; to amend section 14-306 of the District of Columbia Official Code to clarify that a spouse or domestic partner shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense or an offense against a child, minor, or vulnerable adult, in civil proceedings involving an offense against the child, minor, or vulnerable adult, in criminal or delinquency proceedings involving joint crimes, and in criminal proceedings involving crimes that occurred prior to the marriage or domestic partnership; to amend section 14-307 of the District of Columbia Official Code to clarify

## ENROLLED ORIGINAL

exceptions to the physician-patient privilege in grand jury, criminal, delinquency, family, or domestic violence proceedings where the person is targeted or charged with certain crimes; to amend An Act To establish a code of law for the District of Columbia to increase the penalties for repeated offenses of crimes of violence; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to establish offenses pertaining to the possession or delivery of contraband into jails and secure juvenile residential facilities; to amend An Act For the suppression of prostitution in the District of Columbia to increase the penalties for repeat offenders; to amend the Omnibus Public Safety Amendment Act of 2006 to extend the effective period for prostitution free zones to 480 consecutive hours; to amend the Anti-Sexual Abuse Act of 1994 to strike the affirmative defense of consent; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the terms "property," "person" and "value" and to make related conforming amendments so that the terms more broadly encompass conduct associated with theft and identify theft, to permit a person to be convicted of any combination of theft, fraud, and other property offenses arising out of the same course of conduct, to expand the jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, to include in the definition of the crime of identity theft the use of personal identifying information belonging to or pertaining to another person to identify himself or herself at the time of an arrest or to facilitate or conceal the commission of a crime, to provide for increased penalties for unauthorized use of a vehicle during a crime of violence and for repeated offenses of unauthorized use of a vehicle; to repeal An Act To define and punish vagrancy in the District of Columbia, and for other purposes; to amend the Bias-Related Crime Act of 1989 to add homelessness as a protected class; to amend the DNA Sample Collection Act of 2001 to add all felonies as a qualifying offense for the purposes of DNA collection; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to specify categories of persons for whom it would be unlawful to possess a firearm, to provide for increased penalties for repeat offenders, and to increase the mandatory-minimum sentence for a felon in possession of a firearm; to amend section 23-110 of the District of Columbia Official Code to allow for dismissal of a motion to strike a sentence if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion; to amend section 23-523 of the District of Columbia Official Code to clarify that daylight hours mean the period from 6:00 a.m. to 9:00 p.m.; to amend section 23-581 of the District of Columbia Official Code to add malicious destruction, voyeurism, unlawful entry of a motor vehicle, and tampering with a detection device as arrests that do not require the officer to obtain a warrant; to amend section 23-1322 of the District of Columbia Official Code to expand the types of crimes that cause a rebuttable presumption to detain individuals pending trial, and to change the standard for detention

## ENROLLED ORIGINAL

from a substantial probability to probable cause; to amend section 47-2811 of the District of Columbia Official Code to clarify licensing requirements for massage establishments; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to add "cathinone" to the schedule; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to provide additional bases for the Chief of Police to declare a drug free zone upon a finding of a disproportionately high number of arrests for dangerous crimes or crimes of violence within the proposed drug free zone; to amend the Distract Driving Safety Act of 2004 to provide definitions for "use" of a wireless communication device, and for "text" or "texting;" to amend the District of Columbia Traffic Act, 1925 to clarify the previous conviction date for purposes of enhanced penalties, to clarify the blood alcohol content, and to provide that alcohol concentration of 0.05 to 0.08 constitutes prima facie proof that the person was under the influence of intoxicating liquor; to amend the Innocence Protection Act of 2001 to provide that the government must establish material prejudice; to amend An Act To establish a code of law for the District of Columbia to repeal unnecessary provisions pertaining to stalking; to amend section 16-801 of the District of Columbia Official Code to correct an incorrect reference to attempted theft so it properly references attempted identity theft; to amend section 16-909 of the District of Columbia Official Code to clarify the relationship between a donor of semen to a person for artificial insemination and the child thereby conceived; to amend section 16-916.01 of the District of Columbia Official Code to clarify the self-support reserve for a parent with a legal duty to pay child support by aligning this amount with revised poverty guideline figures; to amend the Anti-Sexual Abuse Act of 1994 to provide a defense to sexual abuse for the domestic partner of a ward, patient, or client to mirror the defense that currently exists in the law for a spouse; to prohibit stalking and establish criminal penalties for violations of this prohibition; to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to repeal various provisions requiring security agencies to execute bonds; and to repeal the Crime Bill Emergency Amendment Act of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Omnibus Public Safety and Justice Emergency Declaration Resolution of 2009".

Sec. 2. (a) D.C. Act 18-129, the Crime Bill Emergency Amendment Act of 2009 ("Crime Bill Emergency"), was approved by the Council on June 16, 2009, and signed by the Mayor on June 30, 2009.

(b) The Crime Bill Emergency contained certain provisions related to enhancing public safety and assisting law enforcement in effectuating their duties.



## ENROLLED ORIGINAL

(c) Bill 18-151, the Omnibus Public Safety and Justice Amendment Act of 2009, is permanent legislation that includes refined versions of these emergency provisions. Bill 18-151 passed first reading by the Council on June 30, 2009.

(d) Second reading on Bill 18-151 by the Council will occur on July 14, 2009.

(e) To ensure consistency in the application of criminal laws, this emergency repeals and replaces the previous crime bill emergency.

(f) In addition, this emergency legislation is the same as Bill 18-151, and, therefore, contains additional criminal and civil provisions that will assist law enforcement to effectuate their duties.

(g) This emergency addresses a broad range of subject matter, including: possession of an illegal firearm in a vehicle, spousal privilege, stalking, gun offender registration, pre-trial detention, contraband in correctional facilities, drug-free zones, prostitution, white collar crime, theft, chronic perpetrators of crimes of violence and unauthorized use of a vehicle, homelessness, drunk driving, conspiracy, and so forth.

(h) Approving the entirety of these measures on an emergency basis will provide additional resources to law enforcement now, rather than awaiting a 60-day Congressional review period.

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 Omnibus Public Safety and Justice Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

## ENROLLED ORIGINAL

## A RESOLUTION

18-225

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to establish the authority to organize a District of Columbia National Guard Morale, Welfare, and Recreation Association, to authorize the establishment of military corporations within the District of Columbia National Guard to raise funds and provide services for unit support or charitable purposes, to authorize the establishment of, and provide requirements for the operation of, unit and company funds, and to permit the District of Columbia National Guard to accept and expend donations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Guard Morale Welfare and Recreation Emergency Declaration Resolution of 2009".

Sec. 2. (a) The District of Columbia National Guard ("DCNG") services and provides direct support to both federal and District missions. For federal missions, DCNG provides trained and ready units, personnel, and equipment. DCNG also stands ready to defend and protect the District, plays an integral role in the District's Emergency Response Plan, and serves the community through a number of local programs.

(b) The ability to receive monetary donations, gifts, and services can help facilitate recreation, social, and community support activities for DCNG members and their families. Because there is no mechanism currently in place to permit these donations, donations intended to benefit deployed service members and their dependents must be refused.

(c) The authority to set up associations capable of accepting donations on behalf of DCNG members is urgently needed to permit DCNG to provide a multitude of programs, services, and other benefits that contribute to the well-being of those who serve the District, as well as the nation. These programs, services, and other activities will provide a direct benefit to the morale of soldiers and airmen in the District of Columbia National Guard, reducing both the stress and hardship of service. This will not only enhance the lives of DCNG members and their families, but also permit local individuals and groups to express their appreciation through the donation of goods and services to those that stand ready to assist the District and the nation.

**ENROLLED ORIGINAL**

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 National Guard Morale Welfare and Recreation Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

## ENROLLED ORIGINAL

## A RESOLUTION

18-227

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to prohibit the electric company from shutting off service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Heat Wave Safety Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to protect District of Columbia residents who are vulnerable to the negative health impacts that may be caused by periods of extreme heat and who may be unable to cool their homes if their electricity is shut off.

(b) District law prohibits utilities from disconnecting their service when the forecast predicts the temperature will be 32 degrees Fahrenheit or below during the following 24 hours.

(c) Exposure to extreme heat is more likely to cause people to experience negative health consequences, including death, than extreme cold, and yet the District law does not contain a prohibition on disconnection of electricity service during or directly preceding periods of extreme heat analogous to the prohibition on disconnections during or directly preceding periods of extreme cold.

(d) Enacting a moratorium on the disconnection of electricity during or directly preceding periods of extreme heat will provide a measure of security for the residents of the District without creating undue hardship for the electric company.

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 Heat Wave Safety Emergency Declaration Resolution of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-228

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to increase the assessment imposed upon the sales of the electric company to maintain current subsidized discounted rates for low-income electric customers through Fiscal Year 2009 and to authorize a one-time expenditure from an existing fund balance in the Energy Assistance Trust Fund as a final accounting and reconciliation for the Fiscal Year 2008 expenditures of the Residential Aid Discount Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Residential Aid Discount Subsidy Stabilization Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Residential Aid Discount Program ("RAD") offers eligible Potomac Electric Power Company ("PEPCO") residential customers critical assistance in paying their electric bills. Under current rates and depending on the source of heating, household customer savings are approximately \$300 to \$500 per year.

(b)(1) The Clean and Affordable Energy Act of 2008 ("CAEA") amended the Retail Competition and Consumer Protection Act of 1999 to eliminate the Reliable Energy Trust Fund ("RETF") and associated charge. Pursuant to the CAEA, all fund balances in the RETF and the Natural Gas Trust Fund were transferred to 2 newly established funds, the Sustainable Energy Trust Fund ("SETF") and the Energy Assistance Trust Fund ("EATF"). The EATF was created to fund existing low-income programs and the RAD and Residential Essential Service subsidies.

(2) The CAEA continued essential low-income programs, including the RAD subsidy, to offset the electric bills of low-income customers who are eligible for inclusion in the Low-Income Home Energy Assistance Program.

(3) Although no longer subject to the supervision of the Public Service Commission ("PSC"), the mechanism for funding the RAD subsidy remains essentially the same: the District Department of the Environment ("DDOE") forwards funds for the discount program to PEPCO, which submits invoices to DDOE for subsidies provided to eligible customers.

**ENROLLED ORIGINAL**

(4) The program continues to be funded by a surcharge on electricity customers, which surcharge is approved by the PSC.

(c)(1) The CAEA presently caps RAD expenditures at \$3 million annually. Because of increases in the participation rate of the RAD program in Fiscal Year 2009, PEPCO has determined that a new cap of \$5.207 million is required to maintain approved discount levels for Fiscal Year 2009.

(2) To fund the RAD program at the level of \$5.207 million for Fiscal Year 2009, PEPCO must increase its assessment imposed upon the sales of the electric company to additional \$.0016 per-kilowatt hour for the month of September 2009 only.

(3) If the new annual cap of \$5.207 million and the additional assessment for the month of September 2009 are not approved, PEPCO will have no choice but to immediately cease its low-income RAD subsidies.

(4) Without the RAD subsidy, low-income electricity customers will lose basic necessities at a time when many of the customers may be losing their jobs or facing other financial difficulties during these uncertain economic times. These losses could occur during the summer months, when customers' need for additional electricity to run air conditioners increases.

(d)(1) Due to Fiscal Year 2008 spending caps ordered by the Public Service Commission (PSC Orders No.14171, 14582, and 14689 in January, September, and December 2007 respectively), prior to the enactment of the CAEA, the outstanding balance of the RAD was \$1,022,428.16.

(2) Enactment of the Residential Aid Discount Subsidy Stabilization Emergency Amendment Act of 2009 will authorize the Mayor to implement a final accounting with PEPCO for FY08 that could not be carried out previously due to the cap.

(3) The existing EATF fund will be the source of the payment to PEPCO.

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 Residential Aid Discount Subsidy Stabilization Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-229

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to authorize the Sustainable Energy Utility Advisory Board to conduct official business.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Sustainable Energy Utility Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Clean and Affordable Energy Act of 2008 ("CAEA") established a 13-member Sustainable Energy Utility Advisory Board ("Board") to oversee the implementation of the Sustainable Energy Utility contract.

(b) The Board was to have been appointed by December 6, 2008, but several slots remain unfilled.

(c) The Office of the Attorney General has interpreted the CAEA to state that the Board is barred from taking any official action until the entire Board is constituted. That interpretation, together with the vacancies, has stalled the implementation of provisions of the CAEA.

(d) To remedy this situation, legislation is required to make clear that the Board may take official action before all 13 members have been sworn in.

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 Sustainable Energy Utility Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-230

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to approve certain marketing contracts between the Washington Convention Center Authority and the Washington, DC Convention and Tourism Corporation and to authorize payments made under the contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington, DC Convention and Tourism Corporation Marketing Contracts Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to approve the current marketing agreement and Contract No. WCCA-09-OCPS-10 between the Washington Convention Center Authority ("Authority") and the Washington, DC Convention and Tourism Corporation ("WCTC"), dba "Destination DC", for WCTC, among other things, to market and sell meetings and conventions for the Walter E. Washington Convention Center and to market and promote the District as a destination.

(b) Section 208a of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.08a) ("Section 208a"), requires the Authority to maintain the Washington Convention Center Marketing Fund to fund marketing services that promote conventions, tourism, and leisure travel in the District of Columbia.

(c) Subsection (e) of Section 208a mandates that WCTC serve as the Authority's primary marketing services contractor.

(d) The WCTC was created as a result of the merger of the D.C. Committee to Promote Washington and the Washington Convention and Visitors Association. Prior to their merger, each entity had a marketing contract with the Authority that the Council approved via the District of Columbia Contract No. 2-99 (Promotion of Conventions and Group Tourism in the District of Columbia - Washington, D.C. Convention and Visitors Association, Inc.) Approval Resolution of 1998, effective July 7, 1998 (Res. 12-593; 45 DCR 4879), and the District of Columbia Contract No. 3-99 (Leisure, Tourism, Advertising, Marketing and Promotions - D.C. Committee to Promote Washington) Approval Resolution of 1998, effective July 7, 1998 (Res.



## ENROLLED ORIGINAL

12-593; 45 DCR 4880).

(e) The WCTC succeeded to the responsibilities of the 2 entities pursuant to the Washington Convention Center Marketing Amendment Act of 2000, effective April 20, 2001 (D.C. Law 13-259; 48 DCR 772).

(f) Because D.C. Law 13-259 would not become effective until well into 2001, the Council adopted the Washington Convention Center Marketing Emergency Declaration Resolution of 2000, effective December 19, 2000 (Res. 13-765; 48 DCR 87), finding that an emergency existed because a delay in the Authority's ability to enter into a marketing services contract with WCTC "would be financially disastrous for the Washington Convention Center Authority and the District of Columbia because no organization would be selling space in the new convention center or managing convention hotel bookings during the lapse in the contract term." To address this issue, the Council enacted the Washington Convention Center Marketing Emergency Amendment Act of 2000, effective January 31, 2001 (D.C. Act 13-585; 48 DCR 1929), which contained identical language to section 2(b)(3) of D.C. Law 13-259.

(g) As a result of these Council actions in December 2000 and January 2001, the Authority believed that it had been authorized by the Council to enter into the marketing agreement with WCTC and therefore did not separately submit the marketing agreement to the Council for an additional approval as a multiyear contract pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §§ 1-204.51(c)(3) ("Charter"), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a) ("Procurement Practices Act"). The marketing agreement entered into with WCTC provided that the contract would have an initial term of 5 years and, unless otherwise terminated, automatically renewed for an additional 5-year term. By its terms, therefore, the marketing agreement automatically renewed for an additional 5-year period in 2006.

(h) The Authority and WCTC now wish to enter into an amended and restated marketing agreement that will have an initial term running through September 30, 2013, and will provide for 5 1-year option renewal periods. As a new multiyear contract, Council approval of the amended and restated marketing agreement is required pursuant to Section 208a(g), the Charter, and the Procurement Practices Act. In addition, the Authority has been informed that the original marketing agreement entered into with WCTC in 2001, and automatically extended by its terms in 2006, also needs to be approved by the Council pursuant to the Charter and the Procurement Practices Act.

(i) Prompt Council approval is necessary to ensure that there is a properly approved marketing agreement between the Authority and WCTC in place so as to ensure that there is no disruption to the marketing and sale of space in the Walter E. Washington Convention Center or to the managing convention hotel bookings. Prompt Council approval is also necessary to authorize the payments made to WCTC under the original marketing agreement.

**ENROLLED ORIGINAL**

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, DC Convention and Tourism Corporation Marketing Contracts Approval and Payment Authorization Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-231

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to amend Chapter 3 of Title 47 of the District of Columbia Official Code to clarify the calculation of the debt cap and the treatment of debt-service payments rebated to the District pursuant to the American Recovery and Reinvestment Act of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Limitation on Borrowing and Establishment of the Operating Cash Reserve Technical Amendment Emergency Declaration Resolution of 2009".

Sec. 2. Emergency legislation is necessary to ensure that the District accurately calculate its limitation on borrowing for the issuance of District bonds, including the upcoming income tax secured revenue refunding bonds to be issued in early September 2009 to achieve debt service savings.

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 Limitation on Borrowing and Establishment of the Operating Cash Reserve Technical Amendment Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-232

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to provide authority for the Mayor to provide financial assistance to a retail project on Georgia Avenue, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgia Avenue Retail Project Great Streets Initiative Tax Increment Financing Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to provide financial assistance to the Georgia Avenue Retail Project.

(b) The Georgia Avenue Retail Project is located at 3642-3646 Georgia Avenue, N.W., and will include the construction of no less than 10,000 square feet of leasable space in a new structure to accommodate a new CVS Pharmacy retail tenant serving the Petworth and Park View neighborhoods.

(c) The developer of the project estimates that the total cost to construct the new building is approximately \$8.5 million. The District tax increment financing ("TIF") assistance of \$1,934,731 in the form of a note or bond is intended to support new retail development in the Petworth and Park View neighborhoods along the Georgia Avenue corridor.

(d) The TIF assistance will close a gap in the financing of the costs incurred for the acquisition, construction, rehabilitation, installation, and equipping of the property for retail use.

(e) The property will likely remain vacant or underutilized, and the Petworth and Park View neighborhoods will lack this long-requested retail service, without the provision of the TIF assistance.

(f) The project will be unnecessarily delayed and potentially threatened if TIF assistance is not provided immediately.

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 Georgia Avenue Retail Project Great Streets Initiative Tax Increment Financing Act of 2009 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-233

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to approve the borrowing of funds by the District through the issuance and sale of income tax secured revenue bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2009 Income Tax Secured Revenue Refunding Bond Issuance Emergency Declaration Resolution of 2009".

Sec. 2. Emergency legislation is necessary to ensure that the District can take advantage of market conditions and refinance some of its previously issued general obligation bonds with income tax secured revenue bonds so that debt service savings can be achieved.

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 Fiscal Year 2009 Income Tax Secured Revenue Refunding Bond Issuance Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-234

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To approve, on an emergency basis, the borrowing of funds by the District through the issuance and sale of income tax secured revenue bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2009 Income Tax Secured Revenue Refunding Bond Issuance Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to, and in accordance with, Subchapter II-D of Chapter 3 of Title 47 of the District of Columbia Official Code ("Subchapter II-D"), the Council approves the issuance and sale of income tax secured revenue bonds in an aggregate principal amount not to exceed \$310 million to refund certain outstanding general obligation bonds and to pay all other costs and expenses authorized by Subchapter II-D, including, but not limited to, an amount equal to all costs related to structuring, issuing, securing, marketing, and maintaining the bonds issued pursuant to this resolution, including, without limitation, capitalized interest, underwriting fees, discounts and expenses, rating agency fees, legal fees, accounting fees, financial advisory fees, trustee and paying agent fees, collection agent fees, bond insurance and other credit enhancement fees, liquidity enhancement fees, printing costs and expenses, any other fees, discounts, or expenses, all costs incurred by the District with respect to the financing documents related to the bonds, redemption premiums, and other costs of redemption.

Sec. 3. The determination as to whether income tax secured revenue bonds or general obligation bonds will be issued shall be made by the Chief Financial Officer.

Sec. 4. Pursuant to Subchapter II-D and applicable law, the Council approves the execution and delivery by the Mayor or the Chief Financial Officer, as applicable, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of the income tax secured revenue bonds pursuant to Subchapter II-D.

**ENROLLED ORIGINAL**

Sec. 5. The Secretary to the Council shall submit a copy of this resolution, upon its adoption, to the Mayor and the Chief Financial Officer.

Sec. 6. The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 7. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

18-235

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to provide authority for the Mayor to provide financial assistance to the Historic Anacostia Project.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Historic Anacostia Project Great Streets Initiative Tax Increment Financing Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to provide financial assistance to the Historic Anacostia Project.

(b) The Historic Anacostia Project is located at 2012 Shannon Place, S.E., 2122 Martin Luther King, Jr. Avenue, S.E., 2200 Martin Luther King Jr. Avenue, S.E., and 2204 Martin Luther King, Jr. Avenue, S.E. (collectively, the "Properties").

(c) The Properties will be rehabilitated to accommodate existing and new retail tenants in the 11,149 square feet of leasable space.

(d) The developer of the project estimates that the total cost to rehabilitate the structures and bring them up to modern standards is approximately \$5.2 million. The District tax increment financing ("TIF") assistance of \$1,110,250, in the form of a note or bond, is intended to support new retail opportunities in the historic Anacostia neighborhood.

(e) The TIF assistance will close a gap in the financing of the costs incurred in the acquisition, construction, rehabilitation, installation, and equipping of the Properties for retail use.

(f) The Properties will likely remain underutilized, and the Anacostia neighborhood will lack long-sought new and improved retail services at the Properties, without the provision of the TIF assistance.

(g) The project will be unnecessarily delayed and potentially threatened if TIF assistance is not provided immediately.

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 Historic Anacostia Great Streets Initiative Tax Increment Financing Emergency Act of 2009 be



**ENROLLED ORIGINAL**

adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.