

ENROLLED ORIGINAL

A RESOLUTION

18-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 14, 2009

To declare the existence of an emergency with respect to the need to, with respect to the construction of the new convention center hotel, modify the date on which rent will start to be paid under the ground lease, to authorize the District to assign ground lease rent payments to the Washington Convention Center Authority, to exempt the airspace lease entered into in connection with the new convention center hotel from the recordation tax, to provide for participation requirements for certified business enterprises and apprentices in the construction of the new convention center hotel, to provide for the creation of employment for District residents as a result of the construction of the new convention center hotel, and to provide for an internship program at the new convention center hotel for Hospitality High School of Washington, D.C., students; and to increase the maximum amount of TIF bonds that the Washington Convention Center Authority is authorized to issue, to provide for the repayment to the Washington Convention Center Authority of funding in the amount of \$25 million, to authorize the Mayor to designate recovery zones, and to designate Square 370 as a recovery zone, pursuant to federal law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Convention Center Hotel Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Council is considering the permanent version of the legislation providing for the financing of the Convention Center Hotel, formally Bill 18-310, the New Convention Center Hotel Amendment Act of 2009, at the July 14, 2009 legislative meeting.

(b) The proposed emergency legislation duplicates the provisions of the permanent legislation.

(c) The Washington Convention Center Authority, the Chief Financial Officer, and the Deputy Mayor for Planning and Economic Development have advised that emergency legislation is needed to bring these provisions into effect prior to the Council's summer recess to prepare the various financial documents related to the financing of the hotel over the summer, which will allow the District to take the bonds to market in September and thus continue to meet the time lines for the start and construction of the hotel.

Sec. 3. The Council of the District of Columbia determines that the circumstances

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enumerated in section 2 constitute emergency circumstances making it necessary that the New Convention Center Hotel Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To amend section 4 of the Council Period 18 Rules Amendment and Investigation Authorization Recess Resolution of 2009 to authorize the Chairperson of the Committee on Libraries, Parks and Recreation to take any actions necessary to conduct an investigation during recess.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 18 Rules Amendment Libraries, Parks and Recreation Investigation Authorization Recess Amendment Resolution of 2009".

Sec. 2. Section 4 of the Council Period 18 Rules Amendment and Investigation Authorization Recess Resolution of 2009, effective July 14, 2009 (Res. 18-209; 56 DCR 748), is amended by striking the phrase "and the Chairperson of the Committee on Health" and inserting the phrase "the Chairperson of the Committee on Health, and the Chairperson of the Committee on Libraries, Parks and Recreation" in its place.

Sec. 3. This resolution shall take effect immediately.

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18-237

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To approve the Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, which provides a single annual grant application for 4 grant programs provided by the U.S. Department of Housing and Urban Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, Approval Resolution of 2009".

Sec. 2. The Council finds that:

(1) The primary objective of the Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, is the development of a viable urban community by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income.

(2) The District of Columbia government is required to submit an annual Action Plan for the District to the U.S. Department of Housing and Urban Development ("HUD") under Title I of the Housing and Community Development Act of 1974, approved August 22, 1987 (88 Stat. 633; 42 U.S.C. § 5301 *et seq.*).

(3) The Action Plan is the successor to the Community Development Program pursuant to regulations issued by HUD under 24 CFR Part 91, Consolidated Submissions for Community Planning and Development Programs, on January 5, 1995.

(4) Under section 3 of the Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1002), the Council is required to adopt a resolution approving the proposed Action Plan, as the program is defined in Title I of the Housing and Community Development Act of 1974, approved August 24, 1974 (88 Stat. 633; 42 U.S.C. § 5301 *et seq.*).

(5) The Mayor has received the proposed Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, identifying resources and program activities to address the District's housing and community development needs.

(6) The Mayor has submitted to the Council for approval a proposed Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, identifying

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resources and program activities, and requests Council approval before the August 2009 submission to HUD.

(7) The Council has reviewed the proposed Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan.

Sec. 3. Pursuant to section 3(c) of the Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1002(c)), the Council approves the Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, and related program funding for the Community Development Block Grant program, the HOME Investment Partnerships Program, the Housing Opportunities for Persons with AIDS program, and the Emergency Shelter Grant program; provided, that the Department of Housing and Community Development submits to the Council for review, at least 72 hours before its submittal to HUD, the proposed Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. Fiscal impact statement.

The Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, reflects the strategy of the Department of Housing and Community Development that is consistent with established goals for activities and programs required to meet the continued eligibility requirements for federal funding. There is no fiscal impact to the District of Columbia because the spending elements of the Consolidated Plan for the District of Columbia, Fiscal Year 2010 Action Plan, are materially the same as the department's fiscal year 2010 budget submission.

Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

18-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To approve the disposition by the Mayor of certain District-owned real property as part of the Northwest One New Communities Initiative.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Communities Northwest One – Site 2 Disposition Approval Resolution of 2009".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Affordable unit" means a residential unit made available to a household the income of which is equal to, or less than, the maximum area median income designated for the unit.

(2)(A) "Area median income" has the same meaning as set forth in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

(B) Notwithstanding subparagraph (A) of this paragraph, area median income may be calculated in a manner consistent with regulations promulgated pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), the Community Development Block Grant program, or the low income housing tax credit program.

(3) "CBE Agreement" means an agreement with the District governing certain obligations of the purchaser or the developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(4) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

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(5) "First Source Agreement" means an agreement with the District governing certain obligations of the purchaser or the developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the construction on the property.

(6) "Property" means the real property described for purposes of assessment and taxation as Lots 256 and 846 in Square 672.

(7) "Purchase price" means the consideration for the purchase or lease of the property.

(8) "Purchaser" means One Vision Development Partners LLC, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), the Mayor transmitted to the Council a request for approval of the disposition of the property to the purchaser. The proposed disposition shall occur through a negotiated sale to the purchaser. The proposed disposition shall include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) The purchase price will be based on the fair market value of the property, less the value of the public benefits provided by purchaser, including affordable housing and retail set-aside requirements.

(2) The purchaser or the developer of the property will construct at least 93 affordable housing units on the property, with at least 59 of the housing units affordable to households with incomes of 30% or less of the area median income and at least 34 of the housing units affordable to households with incomes of 60% or less of the area median income.

(3) The purchaser or the developer of the property will enter into a CBE Agreement with the District. The CBE Agreement shall require the purchaser or the developer of the property to contract with certified business enterprises for at least 35% of the contract dollar volume of the redevelopment of the property and require at least 20% equity and development participation of local, small, and disadvantaged business enterprises.

(4) The purchaser or the developer of the property will enter into a First Source Agreement with the District.

(5) The purchaser of the property will reserve at least 15% of the square footage of retail space on the property for retailers that are local or are certified business enterprises.

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- (b) The Council finds that the property is no longer required for public purposes.
- (c) The Council approves the disposition of the property by the Mayor.

Sec. 4. Transmittal of resolution.

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

Sec. 5. 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. 6. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To declare the existence of an emergency with respect to the need to enact a budget support act that supports the revised revenue estimates affecting the remainder of fiscal year 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Budget Support Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Mayor submitted the fiscal year 2010 budget and financial plan to the Council as a balanced budget and previously submitted legislation to balance the fiscal year 2009 budget.

(b) The Chief Financial Officer issued a revised revenue estimate certifying local fund revenues for fiscal years 2009 through 2013 that are below the previous certified estimates. This reduced revenue estimate created a shortfall in the approved fiscal year 2009 budget and the proposed fiscal year 2010 budget and financial plan.

(c) Appropriated budget authority for fiscal year 2009 must be reduced as soon as possible to reinstate a balanced budget, and the proposed fiscal year 2010 budget and financial plan must be modified as soon as possible to establish a balanced budget and financial plan in order to timely present the proposed budget and financial plan to Congress.

(d) It is necessary to enact a budget support act that supports the revised revenue estimates affecting the remainder of fiscal year 2009 to ensure that a balanced budget is sent to Congress and that important District needs and initiatives are addressed as soon 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 Fiscal Year 2010 Budget Support Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To declare the existence of an emergency with respect to the need to adopt expeditiously the Unity Health Care, Inc. Revenue Bonds Project Emergency Approval Resolution of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unity Health Care, Inc. Revenue Bonds Project Emergency Declaration Resolution of 2009".

Sec. 2. The Council finds that:

(1) Unity Health Care, Inc. ("Borrower") has requested that the District of Columbia ("District") issue revenue bonds ("Bonds").

(2) The proposed financing will make available funds critically needed to finance, refinance, and reimburse the borrower for the following costs (collectively, the "Project"):

(A) The renovation and furnishing of a commercial building located at 3020 14th Street, N.W., Washington D.C. (Square 2672, Lot 0719), together with associated parking facilities and other property, real and personal, functionally related and subordinated thereto ("Facility");

(B) Funding any required debt service reserve fund or capitalized interest on the Bonds; and

(C) Paying the Issuance Costs, credit enhancement costs and working capital.

(3) Due to current economic emergency in the financial markets, it is important for the Council to expedite the process for the issuance of the bonds and avoid any delay that may adversely affect the ability of the Borrower to market the bonds to investors or to obtain an interest rate within the range contemplated by the project budget.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Unity

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Health Care, Inc. Revenue Bonds Project Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$18 million, in one or more series, and to authorize and provide for the loan of the proceeds of the bonds to assist the Unity Health Care, Inc., 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 "Unity Health Care, Inc. Revenue Bonds Project Emergency Approval Resolution of 2009".

Sec. 2. Definitions.

For the purpose 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 Unity Health Care, Inc., a nonprofit corporation organized under the laws of the District of Columbia, and exempt from federal income taxes, and which is liable for repayment of the bonds.

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

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds and to make the loan contemplated thereby, and includes agreements, certificates, letters,

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opinions, forms, receipts, and other similar instruments.

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

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

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

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), 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) "Mayor" means the Mayor of the District of Columbia.

(13) "Project" means the financing, refinancing, or reimbursing of all or a portion of the borrower cost of:

(A) The renovation and furnishing of a commercial building located at 3020 14th Street, N.W., Washington D.C. (Square 2672, Lot 0719), together with associated parking facilities and other property, real and personal, functionally related and subordinated thereto (the Facility);

(B) Funding any required debt service reserve fund or capitalized interest on the bonds; and

(C) Paying the Issuance Costs, credit enhancement costs, and working capital.

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

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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 \$18 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 health facilities within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing 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 \$18 million; and

(2) The making of the loan.

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

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

Sec. 5. Bond details.

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

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

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

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(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;

(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

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below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

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

(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,

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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, including those Financing Documents and 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.

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

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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, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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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. Neither the borrower, any purchaser of the bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, 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 to be financed, refinanced, or reimbursed with the proceeds of the bonds. This resolution approving the issuance of the bonds for the project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Unemployment Compensation Act to qualify for federal modernization funding 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 "Unemployment Compensation Administrative Modernization Emergency Declaration Resolution of 2009".

Sec. 2. (a) The current total unemployment rate in the District is in excess of 10% and is expected to increase.

(b) The increasing level of unemployment requires the provision of additional funding to insure the availability of benefits for, and services to, the unemployed.

(c) The proposed emergency legislation will allow the District of Columbia to qualify for additional modernization funding from the United States Department of Labor.

(d) Failure to enact the proposed emergency legislation will result in additional burdens being placed on District employers who are already negatively impacted by the current recession.

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 Unemployment Compensation Administrative Modernization Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 31, 2009

To declare the existence of an emergency with respect to the need to amend the District of Columbia Unemployment Compensation Act to extend the Additional Benefits Program for persons exhausting unemployment benefits on or after August 29, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unemployment Compensation Additional Benefits Program Emergency Declaration Resolution of 2009".

Sec. 2. (a) The current total unemployment rate in the District of Columbia is in excess of 10% and is expected to increase.

(b) The unemployment benefits funds provided to the District of Columbia pursuant to the Assistance for Unemployed Workers and Struggling Families Act, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 115), will begin to run out on or about August 29, 2009. Approximately 4,263 claimants are expected to exhaust all benefits between August 29, 2009, and mid-January 2010, when the proposed additional benefits program extension will end.

(c) The proposed additional benefits program extension will provide up to 20 additional weeks of benefits to claimants who have exhausted all current benefit programs.

(d) Failure to establish the additional benefits program extension will result in a significant number of benefit claimants being without any source of income at a time when unemployment is continuing to rise.

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 Unemployment Compensation Additional Benefits Program Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.