

ENROLLED ORIGINAL

A RESOLUTION

18-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the appointment of Ms. Nicole Sorg to the Board of Zoning Adjustment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Zoning Adjustment Nicole Sorg Confirmation Resolution of 2009".

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

Ms. Nicole Sorg
2516 Q Street, N.W.
Washington, D.C. 20007
(Ward 2)

as a member of the Board of Zoning Adjustment, established by section 8 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07), filling the unexpired term of Mary Oates Walker, for a term to end September 30, 2010.

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

18-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To appoint Ms. Pamela Johnson to the District of Columbia College Savings Program Advisory Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia College Savings Program Advisory Board Pamela Johnson Appointment Resolution of 2009".

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

Ms. Pamela Johnson
3421 Carpenter Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the District of Columbia College Savings Program Advisory Board, established by D.C. Official Code § 47-4504, for a 3-year term to end April 24, 2012.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the appointment of Mr. Derek K. Orr as the Director of the Office of Disability Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Office of Disability Rights Derek K. Orr Confirmation Resolution of 2009".

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

Mr. Derek K. Orr
815 Maryland Avenue, N.E.
Unit 106
Washington, D.C. 20003
(Ward 6)

as the Director of the Office of Disability Rights, established by section 4 of the Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.03), 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.

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A RESOLUTION

18-310

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the reappointment of Ms. Sue Ann Marshall to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Sue Ann Marshall Confirmation Resolution of 2009".

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

Ms. Sue Ann Marshall
3426 16th Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(3) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(3)), for a term to end June 12, 2012.

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

18-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the reappointment of Mr. Robert Scott McNeilly to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Robert Scott McNeilly Confirmation Resolution of 2009".

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

Mr. Robert Scott McNeilly
1870 Wyoming Avenue, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(6) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(6)), for a term to end June 12, 2012.

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

18-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the reappointment of Mr. Chapman Todd to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Chapman Todd Confirmation Resolution of 2009".

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

Mr. Chapman Todd
4445 Harriston Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(6) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(6)), for a term to end June 12, 2012.

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

18-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the reappointment of Mr. Joshua Greene to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Joshua Greene Confirmation Resolution of 2009".

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

Mr. Joshua Greene
1239 Duncan Place, N.E.
Washington, D.C. 20002
(Ward 6)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(4)), for a term to end June 12, 2012.

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

18-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To confirm the appointment of Mr. Brian Watson to the Interagency Council on Homelessness.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interagency Council on Homelessness Brian Watson Confirmation Resolution of 2009".

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

Mr. Brian Watson
613 Park Road, N.W.
Washington, D.C. 20001
(Ward 1)

as a member of the Interagency Council on Homelessness, in accordance with section 4(b)(6) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(6)), replacing James Grey, for a term to end June 12, 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

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A RESOLUTION

18-315

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$4.5 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The River School 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 "The River School Revenue Bonds Project Approval Resolution of 2009".

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 Georgetown University, a nonprofit institution of higher education 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.

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

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(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 incurred by the borrower in connection with the acquisition, construction, renovation, and equipping of the building owned by the borrower located at 4880 MacArthur Boulevard, N.W., Washington, D.C. (Lot 93, Square 1388);

(B) The acquisition of, and renovation and improvements to, the borrower's facilities, including one or more buildings of approximately 33,000 square feet in the aggregate, together with other property, real and personal, functionally related and subordinated thereto;

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

(D) Paying all or a portion of 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 costs, and to assist in the financing, refinancing, or reimbursing the costs, of undertakings in certain areas

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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 \$4.5 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 education 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 \$4.5 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

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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.

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

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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, 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

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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.

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.

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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 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.

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Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after 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 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

18-316

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To approve the issuance, sale, and delivery of District of Columbia qualified zone academy revenue bonds in one or more series of bonds in an aggregate principal amount not to exceed \$4.143 million for the purpose of assisting in the financing, refinancing, and reimbursing of the costs of certain District of Columbia public charter schools and to approve the allocation of \$4.143 million of Available Real Property Tax Revenues for the repayment of such revenue bonds pursuant to the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Qualified Zone Academy Revenue Bonds Project Approval Resolution of 2009".

Sec. 2. Pursuant to the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005, effective October 18, 2005 (D.C. Law 16-28; D.C. Official Code § 47-340.01) ("Act"), the Council approves:

(1) The issuance of bonds in one or more series in an aggregate principal amount not to exceed \$4.143 million for the purpose of assisting in the financing, refinancing, and reimbursing of the costs of the following eligible projects within the meaning of the Act:

(A) AppleTree Early Learning Public Charter School Project, 2015-2017 Savannah Terrace, S.E., Washington, D.C. 20020;

(B) E.L. Haynes Public Charter School Project, 4501 Kansas Avenue, N.W., Washington, D.C. 20010;

(C) KIPP DC: Douglass Campus Project, 2600 Douglass Road, S.E., Washington, D.C. 20020;

(D) Latin American Montessori Bilingual Public Charter School Project, 1375 Missouri Avenue, N.W., Washington, D.C. 20011;

(E) The Next Step Public Charter School Project, 1419 Columbia Road, N.W., Washington, D.C. 20009; and

(F) Thurgood Marshall Academy Public Charter High School Project, 2501 Martin Luther King, Jr. Ave., S.E., Washington, D.C. 20020; and

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(2) The allocation of \$4.143 million of the Available Real Property Tax Revenues for the repayment of the bonds, which allocation shall terminate the earlier of:

- (A) The final maturity date of the bonds; or
- (B) The date on which all of the bonds are paid, or payment with respect to the bonds has been provided for, and the bonds are no longer outstanding.

Sec. 3. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the approval for the issuance, sale, and delivery of the bonds shall expire.

Sec. 4. Transmittal.

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

18-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$15.586 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Hyde Leadership Public Charter School 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 "Hyde Leadership Public Charter School of Washington, D.C., Inc. Qualified School Construction Revenue Bonds Project Approval Resolution of 2009".

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 Hyde Leadership Public Charter School of Washington, D.C., Inc., a nonprofit corporation organized under the laws of the District of Columbia and a public charter school in good standing in the District of Columbia, 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

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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 incurred by the borrower in connection with the acquisition, construction, renovation, and equipping of the building owned by the borrower located 3825 18th Street, N.E., Washington, D.C., (PAR 0157, Lot 0073);

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

(C) Paying all or a portion of 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 costs, and to assist in the financing, refinancing, or reimbursing the costs, of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans

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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 \$15.586 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 education 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 \$15.586 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;

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(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.

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.

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(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 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

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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.

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.

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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 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.

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Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after 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 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

18-318

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$13.350 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The E.L. Haynes Public Charter School 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 "E.L. Haynes Public Charter School Qualified School Construction Revenue Bonds Project Approval Resolution of 2009".

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 E.L. Haynes Public Charter School, a nonprofit corporation organized under the laws of the District of Columbia and a public charter school in good standing in the District of Columbia, 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.

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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 incurred by the borrower in connection with the acquisition, construction, renovation, and equipping of the building owned by the borrower located at 4501 Kansas Avenue, N.W., Washington, D.C. (Lot 806, Square 3138);

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

(C) Paying all or a portion of 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 costs, and to assist in the financing, refinancing, or reimbursing the costs, of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note,

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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 \$13.350 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 education 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 \$13.350 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

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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.

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

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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 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

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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.

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.

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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 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.

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Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years after 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 of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-319

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To approve multiyear Contract No. CFOPD-09-C-013 with Intralot for an online gaming system and related services for the District of Columbia Lottery and Charitable Games Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-09-C-013, Online Gaming System and Related Services Approval Resolution of 2009".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and 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), the Council approves Contract No. CFOPD-09-C-013 for an online gaming system and related services for the District of Columbia Lottery and Charitable Games Control Board.

(b) The proposed contract has a one-year conversion period, a 5-year base term, and 5 one-year option periods. The proposed multiyear contract cost is 2.5999% of sales, not to exceed \$38 million.

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

Sec. 4. 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. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare an emergency with respect to the ability of a child-placing agency to charge reasonable fees for private adoption placements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Private Adoption Fee Emergency Declaration Resolution of 2009".

Sec. 2. (a) There is an emergency concerning the ability of a child-placing agency to charge reasonable fees for private adoption placements.

(b) Currently, there is a fee cap of \$7,500 for private adoption placements in the District of Columbia. The cap has not been raised since 1995, despite all the economic changes of the last decade, and the adjustments made in almost every other sector.

(c) The District of Columbia is one of a few jurisdictions in the nation which has a fee cap for private adoption placements.

(d) D.C. Official Code § 4-1410 permits a child-placing agency to charge a fee for placing a child in an adoptive home in accordance with rules and regulations promulgated by a committee appointed by the Mayor pursuant to D.C. Official Code § 4-1403. The committee, however, has not been active for many years.

(e) The average cost per placement incurred by nonprofit adoption agencies greatly exceeds the current fee cap imposed by the District of Columbia. This has resulted in a drastic reduction of agencies accepting new District of Columbia families. Only one agency currently accepts new families for private adoption placement.

(f) Both Maryland and Virginia require licensed agencies to establish a sliding fee scale, reviewed annually by licensing officials, to accommodate the varying incomes of residents, and to ensure that applicants are not charged more than they are able to pay.

(g) It is necessary for the District to revise the adoption placement fee to ensure the continued ability to place adoptions in the District.

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 Private Adoption Fee Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-321

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to make funding available for the African-American Civil War Museum.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Emergency Declaration Resolution of 2009".

Sec. 2. (a) There is an emergency concerning the availability of funding for the African-American Civil War Museum.

(b) Section 4081 of the Fiscal Year 2010 Budget Support Second Emergency Act of 2009 included \$5 million in capital funding (\$4 million in fiscal year 2010 and \$1 million in fiscal year 2011) for the African-American Civil War Museum to move into Grimke School. Section 4081(b) required the museum to submit a proposed plan and budget to the Council for approval as a condition of receiving the funds.

(c) The museum is facing an August 2010 lease expiration date at its current site. In order to make the museum's schedule for repair and move into the Grimke School gym, it must finish its due diligence, prepare drawings and construction documents, and get the work started in the January-March 2010 time frame or risk becoming homeless, thus giving rise to the emergency. The museum is in a severe time crunch and must have access to the funds to pay vendors and keep the project on track.

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 African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to reestablish retirement incentives.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Retirement Incentive Emergency Declaration Resolution of 2009".

Sec. 2. (a) Earlier this year, the Mayor prematurely halted retirement incentive programs after misinterpreting the Fiscal Year 2010 Budget Support Second Emergency Act of 2009 ("BSA"). Title I, Section CC of the BSA prohibits the use of funds to support the categories of special pay and bonus pay.

(b) The Office of the Chief Financial Officer's Comptroller Source Group 0013 has a number of fund subcategories, including 0137 (special awards pay), 0138 (bonus pay), 0171 (easy out incentive pay), 0172 (early out incentive pay), and 0173 (separation incentive). It was the Council's clear intent for the BSA to only prohibit expenditures through subcategories 0137 and 0138. Nevertheless, the Mayor and the Attorney General chose to interpret the bill to also prohibit expenditures on easy out incentive pay and early out incentive pay.

(c) Because of this misinterpretation, a number of employees who had relied on expectations of retirement under this program were subsequently told that their applications would no longer be considered. In a November 18, 2009, letter to the Council, Attorney General Nickles stated that the executive will process retirement award applications "if the Council passes emergency legislation . . . defining the terms 'special pay' and 'bonus pay.'"

(d) This emergency is necessary to authorize payments under the program and to "clarify" the Council's intent.

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 Retirement Incentive Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to provide an agency with grant-making authority the ability to issue grants using any funds it receives through an intra-District transfer, a memorandum of understanding, or a reprogramming from an agency that does not have grant-making authority for specific purposes, including for competitive grants for corridor improvement along 14th Street, N.W. in Ward 4, clean teams in Ward 1, and green team services to Georgia Avenue and Kennedy Streets in Ward 4; and to provide limited grant-making authority to agencies for the ongoing maintenance of the Lincoln Theatre, for corridor improvements, clean team services, and green team services, and for organizations with a history of promoting voting rights and statehood in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Limited Grant-Making Authority Clarification Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Fiscal Year 2010 Budget Support Act of 2009 provides \$150,000 programmed for competitive grants for corridor improvements along 14th Street, N.W.

(b) The Fiscal Year 2010 Budget Support Act of 2009 provides \$1 million programmed for clean team services in Ward 1.

(c) The Fiscal Year 2010 Budget Support Act of 2009 provides \$250,000 programmed for the continued partnership with the Department of Small and Local Business Development for green team services to Georgia Avenue/Kennedy Street.

(d) These funds cannot be spent as they were intended because Council prohibited such inter-agency transfers in the Fiscal Year 2010 Budget Support Act of 2009.

(e) The Fiscal Year 2010 Budget Support Act of 2009 provides \$250,000 to the Office of the Deputy Mayor for Planning and Economic Development programmed for the ongoing maintenance of the Lincoln Theatre.

(f) The Fiscal Year 2010 Budget Support Act of 2009 provides \$250,000 programmed to the Office of the Secretary of the District of Columbia for organizations with a history of promoting voting rights in the District.

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(g) These funds cannot be spent as they were intended because the agencies that received the funds lack the appropriate grant-making authority.

(h) Without this legislation, District residents will be denied the benefits of these services as contemplated by the Council.

(i) Due to the foregoing, passage of the accompanying emergency act is necessary.

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 Limited Grant-Making Authority Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to extend the holdover period for the current People's Counsel for 90 days to avoid a vacancy while the Council considers the pending nomination.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "People's Counsel Holdover Extension Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to extend the holdover period for the current People's Counsel.

(b) The current person holding the office has a term that is set to expire in early December.

(c) A new People's Counsel has been nominated, but due to the holidays, there is not adequate time for the public or the Committee on Public Services and Consumer Affairs to thoroughly review the nomination for this important position.

(d) The People's Counsel is currently involved in a \$51 million electricity rate case in front of the District of Columbia Public Service Commission.

(e) Consequently, it is necessary for the Council to pass this legislation on an emergency basis.

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 People's Counsel Holdover Extension Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-325

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposal for King Towers Apartments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds King Towers Apartments Emergency Declaration Resolution of 2009".

Sec. 2. (a) King Towers Apartments ("Property") consists of a 10-story building that contains 120 units. The Property is in need of moderate rehabilitation. The owners of the Property need to extend an existing housing assistance payment agreement to maintain the Property as affordable in a rapidly gentrifying neighborhood and perform repairs to improve the health and safety of the residents of the Property.

(b) The Property is located in Ward 2 on 1220 12th Street, N.W., in the Logan Circle community. As a result of this bond issuance, the Property will receive moderate rehabilitation. The number of units and the unit mix will remain the same: 120 units. The project will help meet the critical shortage of affordable housing and help stabilize the revitalization efforts in Logan Circle by providing additional affordable housing.

(c) This project is one of several projects to be included in the District of Columbia Housing Finance Agency's ("Agency") New Issue Bond Program ("NIBP"). The NIBP is a new comprehensive initiative created and announced on October 19, 2009, by the Obama Administration to stabilize the U.S. housing market and assist with the financing and development of affordable rental housing. All of the proposals associated with the NIBP have been submitted to the Council for its review.

(d) The Agency seeks to close on the bond issuance prior to December 30, 2009. Under the District of Columbia Housing Finance Agency Act, a housing finance proposal must be submitted to the Council for a 30-day review period. The Council may approve the proposal prior to the end of the 30-day review period. In view of the pending Council recess, the 30-day review period would end in January 2010.

ENROLLED ORIGINAL

(e) Pursuant to rules promulgated by the U.S. Treasury, all bonds issued under the NIBP must be issued by December 30, 2009, because the NIBP was created using the authority under the Housing and Economic Recovery Act of 2008 that sunsets at the end of 2009. On November 14, 2009, the Agency was awarded \$193,100,959 under the NIBP for housing purposes. The bonds will be securitized by Fannie Mae or Freddie Mac on January 12, 2010.

(f) Due to the need to protect the health and safety of the residents of the neighborhood surrounding the Property, to issue the bonds by December 30, 2009, and to avoid the loss of this valuable federal resource that allows the Agency to access the bond market during these difficult economic times, it is necessary to approve the proposal on an emergency basis.

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 District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds King Towers Apartments Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-326

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To approve, on an emergency basis, the District of Columbia Housing Finance Agency's issuance of Multi-Family Housing Revenue Bonds in an amount not to exceed \$16 million for the purpose of refinancing the King Towers Apartments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds King Towers Apartments Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective October 5, 1985 (D.C. Law 6-44; D.C. Official Code § 42-2702.07(b)) ("Housing Finance Agency Act"), the Council approves the District of Columbia Housing Finance Agency's ("Agency") proposal for the issuance of a principal amount not to exceed \$16 million in Multi-Family Housing Revenue Bonds, for the acquisition, rehabilitation, and equipping financing for the King Towers Apartments, located in Ward 2 at 1220 12th Street, N.W., which financing has been determined by the Agency, by enactment of an eligibility resolution dated November 25, 2009, to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Transmittal.

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

Sec. 4. 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 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-327

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposal for Matthews Memorial Terrace.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds Matthews Memorial Emergency Declaration Resolution of 2009".

Sec. 2. (a) Matthews Memorial Terrace ("Property") consists of 4 vacant residential structures situated on a 1.82-acre site. The vacant buildings have catalyzed criminal activity and have, therefore, been detrimental to the health and safety of the residents of the surrounding neighborhood.

(b) The Property is located in Ward 8 at 2632-2642 Martin Luther King Avenue, S.E., near the Barry Farm/Park Chester/Wade Road New Community. The existing structures on the Property will be demolished and a 6-story building, consisting of 99 residential rental units, will be constructed in their place. The project will help meet the critical shortage of affordable housing, provide replacement housing for the Barry Farm/Park Chester/Wade Road New Community project, and help stabilize the revitalization effort begun in Ward 8 by providing additional affordable housing.

(c) This project is one of several projects to be included in the District of Columbia Housing Finance Agency's ("Agency") New Issue Bond Program ("NIBP"). The NIBP is a new comprehensive initiative created and announced on October 19, 2009, by the Obama Administration to stabilize the U.S. housing market and assist with the financing and development of affordable rental housing.

(d) The Agency seeks to close on the bond issuance prior to December 30, 2009. Under the District of Columbia Housing Finance Agency Act, a housing finance proposal must be submitted to the Council for a 30-day review period. The Council may approve the proposal prior to the end of the 30-day review period. In view of the pending Council recess, the 30-day review period would end in January 2010.

(e) Pursuant to rules promulgated by the U.S. Treasury, all bonds issued under the NIBP

ENROLLED ORIGINAL

must be issued by December 30, 2009, because the NIBP was created using the authority under the Housing and Economic Recovery Act of 2008 that sunsets at the end of 2009. On November 14, 2009, the Agency was awarded \$193,100,959 under the NIBP for housing purposes. The bonds will be securitized by Fannie Mae or Freddie Mac on January 12, 2010.

(f) Due to the need to protect the health and safety of the residents of the neighborhood surrounding the Property and to issue the bonds by December 30, 2009, to avoid the loss of this valuable federal resource that allows the Agency to access the bond market during these difficult economic times, it is necessary to approve the proposal on an emergency basis.

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 District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds Matthews Memorial Terrace Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-328

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To approve, on an emergency basis, the District of Columbia Housing Finance Agency's issuance of Multi-Family Housing Revenue Bonds in an amount not to exceed \$13.5 million for the purpose of refinancing the Matthews Memorial Terrace.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds Matthews Memorial Terrace Emergency Approval Resolution of 2009".

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective October 5, 1985 (D.C. Law 6-44; D.C., Official Code § 42-2702.07(b)) ("Housing Finance Agency Act"), the Council approves the District of Columbia Housing Finance Agency's ("Agency") proposal for the issuance of a principal amount not to exceed \$13.5 million in Multi-Family Housing Revenue Bonds, for the acquisition, demolition, new construction, and equipping financing for the Matthews Memorial Terrace, located in Ward 8 at 2632-2642 Martin Luther King Avenue, S.E., which financing has been determined by the Agency, by enactment of an eligibility resolution dated November 25, 2009, to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Transmittal.

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

Sec. 4. 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 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.

ENROLLED ORIGINAL

A RESOLUTION

18-329

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to approve the District of Columbia Housing Finance Agency proposal for The Landmark Portfolio.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds The Landmark Portfolio Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Landmark Portfolio ("Properties") consists of 16 multi-family buildings containing 425 units. The units are in need of moderate rehabilitation and the rehabilitation will improve the health and safety of the residents in the various neighborhoods.

(b) The Properties are located in Wards 1, 2, 4, and 5 on 1388 Tuckerman Street, N.W.; 2147 O Street, N.W.; 2231 Ontario Road, N.W.; 5807-5825 14th Street, N.W.; 1615-1625 Franklin Street, N.E.; 5922 13th Street, N.W.; 1464 Rhode Island Avenue, N.W.; and 1417 N Street, N.W., in various neighborhoods throughout the District of Columbia. The Properties will receive moderate rehabilitation. The number of units and the unit mix will remain the same: 425 units. The project will help meet the critical shortage of affordable housing and help stabilize the revitalization efforts in the District's neighborhoods.

(c) This project is one of several projects to be included in the District of Columbia Housing Finance Agency's ("Agency") New Issue Bond Program ("NIBP"). The NIBP is a new comprehensive initiative created and announced on October 19, 2009, by the Obama Administration to stabilize the U.S. housing market and assist with the financing and development of affordable rental housing. All of the proposals associated with the NIBP have been submitted to the Council for its review.

(d) The Agency seeks to close on the bond issuance prior to December 30, 2009. Under the District of Columbia Housing Finance Agency Act, a housing finance proposal must be submitted to the Council for a 30-day review period. The Council may approve the proposal prior to the end of the 30-day review period. In view of the pending Council recess, the 30-day review period would end in January 2010.

ENROLLED ORIGINAL

(e) Pursuant to rules promulgated by the U.S. Treasury, all bonds issued under the NIBP must be issued by December 30, 2009, because the NIBP was created using the authority under the Housing and Economic Recovery Act of 2008 that sunsets at the end of 2009. On November 14, 2009, the Agency was awarded \$193,100,959 under the NIBP for housing purposes. The bonds will be securitized by Fannie Mae or Freddie Mac on January 12, 2010.

(f) Due to the need to protect the health and safety of the residents of the neighborhood surrounding the Properties, to issue the bonds by December 30, 2009, and to avoid the loss of this valuable federal resource that allows the Agency to access the bond market during these difficult economic times, it is necessary to approve the proposal on an emergency basis.

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 District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds The Landmark Portfolio Emergency Approval Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-330

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To approve, on an emergency basis, the District of Columbia Housing Finance Agency’s issuance of Multi-Family Housing Revenue Bonds in an amount not to exceed \$46.5 million for the purpose of refinancing The Landmark Portfolio.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Housing Finance Agency Issuance of Multi-Family Housing Revenue Bonds The Landmark Portfolio Emergency Approval Resolution of 2009”.

Sec. 2. Pursuant to section 207(b) of the District of Columbia Housing Finance Agency Act, effective October 5, 1985 (D.C. Law 6-44; D.C. Official Code § 42-2702.07(b)) (“Housing Finance Agency Act”), the Council approves the District of Columbia Housing Finance Agency’s (“Agency”) proposal for the issuance of a principal amount not to exceed \$46.5 million in Multi-Family Housing Revenue Bonds, for the rehabilitation and equipping financing for The Landmark Portfolio, located in Wards 1, 2, 4, and 5 on 1388 Tuckerman Street, N.W.; 2147 O Street, N.W.; 2231 Ontario Road, N.W.; 5807-5825 14th Street, N.W.; 1615-1625 Franklin Street, N.E.; 5922 13th Street, N.W.; 1464 Rhode Island Avenue, N.W.; and 1417 N Street, N.W., which financing has been determined by the Agency, by enactment of an eligibility resolution dated November 25, 2009, to be a housing undertaking that meets the requirements of the Housing Finance Agency Act.

Sec. 3. Transmittal.

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

Sec. 4. 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 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-331

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to approve a 2-year option of Contract No. CFOPD-04-C-010 to provide electronic benefits transfer banking services to the Office of the Chief Financial Officer and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-04-C-010 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve a 2-year option of Contract No. CFOPD-04-C-010 with J.P. Morgan Financial Services, Inc., to provide electronic benefits transfer banking services to the Office of the Chief Financial Officer and to authorize payment for the services received and to be received under that contract.

(b) The approved Contract No. CFOPD-04-C-010 (CA15-226) included a base term of 5 years and one 2-year option.

(c) On August 27, 2009, the Office of the Chief Financial Officer exercised the 2-year option for the period of September 3, 2009 to September 3, 2011 for \$5,682,613.

(d) The Council enacted the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), which amends the District of Columbia Procurement Practices Act of 1985 and states that Council approval of contracts shall expire 12 months after the award of the contract.

(e) Retroactive Council approval of the Contract No. CFOPD-04-C-010 2-year option is necessary to allow the continuation of these vital banking services.

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. CFOPD-04-C-010 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

18-332

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to approve option year 3 of Contract No. CFOPD-06-C-006 to provide single audit services to the Office of the Chief Financial Officer and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-06-C-006 Approval and Payment Authorization Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists a need to approve the option year 3 of Contract No. CFOPD-06-C-006 with BDO Seidman, LLP, to provide single audit services to the Office of the Chief Financial Officer and to authorize payment for the services

(b) Approved Contract No. CFOPD-06-C-006, (CA16-201) included a one-year base term and 4 one-year option periods.

(c) On March 9, 2009, the Office of the Chief Financial Officer exercised option year 3 for the period of March 9, 2009, to February 27, 2010, for \$1,511,539. On August 27, 2009, the contract was modified to add \$258, 972 in additional funding, for a total contract amount of \$1,770, 511 for option year 3.

(d) The Council enacted the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), which amends the District of Columbia Procurement Practices Act of 1985 and states that Council approval of contracts shall expire 12 months after the award of the contract.

(e) Council approval of Contract No. CFOPD-06-C-006 option year 3 is necessary to allow the continuation of these vital single audit services.

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. CFOPD-06-C-006 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

18-333

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to approve the borrowing of funds by the Mayor, through the Chief Financial Officer, through the issuance and sale of bonds in an aggregate principal amount not to exceed \$660.865 million as either income tax secured revenue bonds or general obligation bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Declaration Resolution of 2009".

Sec. 2. There exists a need to approve the borrowing of funds by the Mayor, through the Chief Financial Officer, through the issuance and sale of bonds in an aggregate principal amount not to exceed \$660.865 million as either income tax secured revenue bonds or general obligation bonds to meet District cash-flow needs and to take advantage of current interest rates.

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 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-334

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To declare the existence of an emergency with respect to the need to disapprove the reprogramming request in the amount of \$1.46 million for the Office of the State Superintendent of Education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming Request No. 18-73 Disapproval Emergency Declaration Resolution of 2009".

Sec. 2. If immediate action is not taken by the Council to disapprove the reprogramming request, No. 18-73, of \$1.46 million for the Office of the State Superintendent of Education, the request will be passively approved prior to the next legislative session.

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 Reprogramming Request No. 18-73 Disapproval Emergency Resolution of 2009 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-335

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2009

To disapprove, on an emergency basis, the reprogramming request for the Office of the State Superintendent of Education in the amount of \$1.46 million.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming Request No. 18-73 Disapproval Emergency Resolution of 2009".

Sec. 2. Pursuant to section 47-363 of the District of Columbia Official Code, the Council disapproves the reprogramming request, No. 18-73, of \$1.46 million for the Office of the State Superintendent of Education.

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

Sec. 4. This resolution shall take effect immediately.