

ENROLLED ORIGINAL

A RESOLUTION

18-379

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To authorize enforcement of the Council subpoena of Sinclair Skinner in the Superior Court of the District of Columbia to require him to appear before the Council Committee on Libraries, Parks, and Recreation, of the Council of the District of Columbia pursuant to the Committee on Libraries, Parks, and Recreation Budget Transparency Investigation Authorization Resolution of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Enforcement of Subpoena of Sinclair Skinner Resolution of 2010".

Sec. 2. The Council finds that:

(1) Sinclair Skinner refused to appear and give testimony at a Committee on Libraries, Parks, and Recreation, roundtable held on January 27, 2010 on the contracting process of the Department of Parks and Recreation ("Department") projects pursuant to the Committee on Libraries, Parks, and Recreation Budget Transparency Investigation Authorization Resolution of 2009.

(2) On November 2, 2009, the Committee on Libraries, Parks, and Recreation ("Committee"), considered and approved the Committee on Libraries, Parks, and Recreation Budget Transparency Investigation Authorization Resolution of 2009, which authorized the Committee to begin a formal investigation, complete with subpoena authority.

(3) Skinner Sinclair was properly served on January 19, 2010, but failed to appear on January 27, 2010.

(4) The purpose of the investigation is to inquire into the circumstances surrounding the transfer of authority and funds from the Department of Parks and Recreation's capital funds as presented at the roundtable held on October 30, 2009. Moreover, the Committee found that actions surrounding the transfer of capital funds from the Department, through the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") and the District of Columbia Housing Authority, to Banneker Ventures, LLC may demonstrate inadequate controls and accountability over the budget process. Further, the Committee found

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that unanswered and potentially inappropriate involvement of the Department and other District agencies in this matter warrant the conduct of an investigation.

(5) For the purpose of this investigation, the Chairperson of the Committee is authorized to issue subpoenas to compel a witness' attendance, to obtain testimony, and to produce documents, evidence, other information, or tangible items.

(6) During the December 10, 2009 Committee roundtable proceeding on this matter, the Committee found that the unanswered and potentially inappropriate involvement of Mr. Sinclair Skinner warrants his attendance to resolve concerns about his role in this process.

(7) Sinclair Skinner should be compelled to come before the Committee and answer questions regarding the concerns with the capital contracting process of the Department projects.

Sec. 3. For the reasons set forth in section 2, the Council of the District of Columbia directs its General Counsel to file a petition in the Superior Court of the District of Columbia for the enforcement of the Committee on Libraries, Parks and Recreation subpoena to compel Sinclair Skinner to appear before the Committee on a date to be determined by the Council under penalty of contempt.

Sec. 4. This resolution shall take effect immediately.

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18-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act To require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes to require that the owner of certain buildings more than 75 feet in height develop and maintain a fire safety and evacuation plan and conduct fire drills at least once every 12 months; and to amend the Smoke Detector Act of 1978 to require apartment building owners to post notice in conspicuous places in common areas of the building and provide tenants or unit owners, by hand or by first-class mail, with information on the operation of a building's fire alarm system, whether the building's fire alarm system is connected to smoke detectors in individual dwelling units or to the Fire and Emergency Medical Services Department, and to instruct tenants to immediately call 911 in the event of a fire.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Council passed Bill 18-178, the Fire Alarm Notice and Tenant Safety Amendment Act of 2009, on December 15, 2009. Bill 18-178 requires property owners in the District to provide adequate notice -- by posting information in conspicuous areas and by notifying occupants in writing -- on the operation and capability of the building's fire alarm system. The legislation also requires owners of residential and commercial buildings more than 75 feet in height to maintain a fire safety plan and conduct fire drills at least once annually. This legislation helps promote building occupant safety in the District; ensuring that occupants are aware of, and also knowledgeable about, the fire protection mechanisms within their buildings and the proper operation of these mechanisms in an emergency. Bill 18-178 is projected to become law on March 10, 2010.

(b) A version of Bill 18-178 was passed by emergency, D.C. Act 18-66, which is scheduled to expire on February 17, 2010. Accordingly, adoption of a Congressional review emergency is necessary to prevent a gap in the law.

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(c) The Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Act of 2010 is identical to the permanent legislation, Bill 18-178.

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 Fire Alarm Notice and Tenant Fire Safety Congressional Review Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

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A RESOLUTION

18-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To confirm the appointment of Ms. Mary Oates Walker as Chief Administrative Law Judge of the Office of Administrative Hearings:

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Administrative Law Judge of the Office of Administrative Hearings Mary Oates Walker Confirmation Resolution of 2010".

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

Ms. Mary Oates Walker
4520 17th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as the Chief Administrative Law Judge of the Office of Administrative Hearings, in accordance with section 7(b)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.04(b)(1)), to serve for a term of 6 years.

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

18-382

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$36 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Smithsonian Institution 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 Smithsonian Institution Refunding Revenue Bonds Project Approval Resolution of 2010".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

- (1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.
- (2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.
- (3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.
- (4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The Smithsonian Institution, a nonprofit corporation organized and existing under the laws of the District of Columbia and 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

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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 the financing, refinancing, or reimbursing of all or a portion of the borrower's costs (including payments of principal of, and interest on, bonds being refunded) to:

(A) Currently refund the outstanding \$41,320,000 District of Columbia Revenue Bonds (Smithsonian Institution Issue) Series 1997 ("Refunded Bonds"), which issue was used to:

(i) Finance the costs of the planning, design, and construction of certain additions, improvements, and renovations to the National Museum of Natural History building located at 10th Street, N.W., and Constitution Avenue, N.W., in the District of Columbia;

(ii) Finance the costs of the acquisition of certain equipment;

(iii) Provide working capital;

(iv) Finance certain costs incurred in the issuance, sale, and delivery of the refunded bonds; and

(B) Pay applicable issuance and contingency costs.

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Sec. 3. Findings.

The Council finds that:

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

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$36 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 \$36 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.

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Sec. 5. Bond details.

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

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

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

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

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

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

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

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

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

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

(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

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instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

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

Sec. 6. Sale of the bonds.

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

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

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

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, and 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.

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Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the loan to the borrower.

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

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

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Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

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

Sec. 11. District officials.

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

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

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

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

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

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

Sec. 15. Expiration.

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

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Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-383

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$20 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The St. Patrick's Episcopal Day 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 "St. Patrick's Episcopal Day School Revenue Bonds Project Approval Resolution of 2010".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be the Vestry of St. Patrick's Parish in the District of Columbia, also known as St. Patrick's Episcopal Day School, a nonprofit educational institution exempt from federal income taxes, 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 financing, refinancing, or reimbursing of all, or a portion of, costs incurred in connection with:

(A) Currently refunding the outstanding \$11 million District of Columbia Revenue Bonds (St. Patrick's Episcopal School Issue) Series 2000 ("refunded bonds"), the proceeds of which were used to finance the acquisition, construction, renovation, furnishing, and equipping of certain academic and athletic facilities on the borrower's day school campus, which is located at 4700, 4701, and 4753 Whitehaven Parkway, N.W.; 1801 Foxhall Road, N.W.; 4800 U Street, N.W.; and 4925 MacArthur Blvd., N.W, Washington, D.C. 20007-1554;

(B) Refinancing outstanding bank loans, the proceeds of which were used to make improvements to the project; and

(C) Paying other costs related to the project and the refunding of the refunded bonds, including certain costs of issuance and swap termination costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding

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bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of, undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$20 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 \$20 million; and

(2) The making of the loan.

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

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

Sec. 5. Bond details.

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

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

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- (2) The principal amount of the bonds and denominations of the bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
- (8) The time and place of payment of the bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
- (11) The terms and types of credit enhancement under which the bonds may be secured.

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

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

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

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

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

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Sec. 6. Sale of the bonds.

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

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

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

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, and 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,

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printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

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

(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

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or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

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

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To confirm the appointment of Mr. Bryan Sivak as the Chief Technology Officer of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Technology Officer Bryan Sivak Confirmation Resolution of 2010".

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

Mr. Bryan Sivak
3315 Ross Place, N.W.
Washington, D.C. 20008
(Ward 3)

as the Chief Technology Officer, established by section 1812 of the Office of the Chief Technology Officer Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 1-1401), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To confirm the appointment of Ms. Alethia Nancoo to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Water and Sewer Authority Board of Directors Alethia Nancoo Confirmation Resolution of 2010".

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

Ms. Alethia Nancoo
1314 Delafield Place, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; DC Official Code § 34-2202.04), replacing Keith Stone, whose term expired September 12, 2008, for a term to end September 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

18-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to provide for a definition of blighted building, notice of the classification thereof, and appeal of the classification; and to redefine Class 1, 2, and 3 Properties, to tax vacant but not blighted residential property as Class 1 Property, to tax vacant land based on the classification applicable to its zoning, and to tax blighted property as Class 3 Property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Reform Emergency Declaration Resolution of 2010".

Sec. 2. (a) On September 22, 2009, the Council approved an amendment to the Fiscal Year 2010 Budget Support Act of 2009 that established a Class 3 property tax rate for blighted properties.

(b) The Office of Tax and Revenue recently discovered that, as a result of that amendment, an ambiguity exists as to how vacant and unimproved residential properties should be classified for the purpose of real property taxation, and how appeal rights might be determined.

(c) The Office of Tax and Revenue is scheduled to mail the semiannual property tax bills within the next several days.

(d) Without emergency legislation clarifying these ambiguities, real property tax collection may be interrupted.

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 Real Property Tax Reform Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need for the Mayor to implement a working group consisting of the affected Councilmember, Advisory Neighborhood Commission, and businesses to address the challenge of day laborers congregating at the Rhode Island Place Shopping Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rhode Island Place Shopping Center Working Group Emergency Declaration Resolution of 2010".

Sec. 2. (a) There is an urgent need for the Mayor to implement a Rhode Island Place Working Group ("working group") within 30 days to collaborate with businesses located in the Rhode Island Place Shopping Center bordered by Rhode Island Avenue, N.E., and Brentwood Road, N.E., in Ward 5 to address the challenge of day laborers congregating at the site.

(b) There is a need to create a group of stakeholders including the Ward Councilmember, Advisory Neighborhood Commission 5B, Office of the Attorney General, Office of Latino Affairs, workers' rights groups, businesses, and other District agencies as the Mayor finds appropriate.

(c) This group will meet every 2 weeks and make recommendations for short- and long-term actions to resolve concerns at the site. It is extremely important that legislative action is taken at this point to ensure there is significant progress on this matter prior to late spring and early summer. As the weather warms, there is an increase of day laborer activity at the Rhode Island Place Shopping Center site. It is imperative that the District move forward in a manner that protects the human rights and dignity of day laborers, protection of the workers' health and safety, the overall safety of all patrons visiting the shopping center, and the quality of life of surrounding residents.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rhode Island Place Shopping Center Working Group Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to approve an eligible project and related matters pursuant to section 490 of the District of Columbia Home Rule Act and the Payment in Lieu of Taxes Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DOT PILOT Revision Emergency Declaration Resolution of 2010".

Sec. 2. To meet financing and construction schedules for the construction of various projects on the Anacostia River waterfront, it is necessary that certain revisions be made to the Payment in Lieu of Taxes Revenue Bonds Department of Transportation Project Approval Resolution of 2006, adopted by the Council on June 6, 2006, as amended by the Payment in Lieu of Taxes Revenue Bonds Department of Transportation Project Emergency Approval Resolution of 2006, adopted by the Council on October 18, 2006.

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 DOT PILOT Revision Emergency Approval Resolution of 2010 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To approve an eligible project and related matters pursuant to section 490 of the District of Columbia Home Rule Act and the Payments in Lieu of Taxes Act of 2004.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DOT PILOT Revision Emergency Approval Resolution of 2010".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1)(A) "Anacostia Waterfront Initiative Infrastructure" means public infrastructure associated with public improvement projects of AWC in the following project areas:

- (i) Boathouse Row;
- (ii) Canal Park;
- (iii) Hilleast Waterfront/ Reservation 13;
- (iv) Poplar Point;
- (v) Ward 7 Waterfront and Marvin Gaye Park;
- (vi) Anacostia Metro;
- (vii) Kingman Island and Heritage Island;
- (viii) South Capitol Street Waterfront; and
- (ix) Southwest Waterfront.

(B) For purposes of this paragraph, the following project areas are defined as follows:

(i) "Anacostia Metro" means the rights in and around the existing Anacostia Metrorail Station, which includes the planned construction of a 500,000 square foot office building above the existing station.

(ii) "Boathouse Row" means the portions of U.S. Reservations 343D and 343E conveyed to the District pursuant to section 202(c) of the Federal and District of Columbia Government Real Property Act of 2006, approved December 15, 2006 (Pub. L. No. 109-396; 120 Stat. 2711).

(iii) "Canal Park" means the real property known for tax and

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assessment purposes as Lot 830 in Square 767, Lot 811 in Square 768, and Lot 823 in Square 769.

(iv) "Hilleast Waterfront/Reservation 13" means the area bounded by 19th Street, S.E., Independence Avenue, S.E., the Congressional Cemetery, and the Anacostia River.

(v) "Kingman Island and Heritage Island" means those named islands located in the Anacostia River, and any bridges, walkways, roads, or other transportation infrastructure that connect either island with each other or the shores of the Anacostia River.

(vi) "Ward 7 Waterfront and Marvin Gaye Park" means the areas in Ward 7 bounded by Benning Road, the Anacostia Freeway, the District of Columbia boundary with the State of Maryland, and the Anacostia River, and Marvin Gaye Park, which runs along the main tributary for the Anacostia River in Ward 7 (Watts Branch).

(vii) "Poplar Point" means the area located on the eastern shore of the Anacostia River bounded by the 11th Street Bridges, the Anacostia Freeway, Frederick Douglass Bridge, and the Anacostia River; which land will be transferred from the federal government to the District of Columbia for redevelopment by AWC.

(viii) "South Capitol Street Waterfront" means:

(I) The land bounded by M Street, S.E., 1st Street, S.E., South Capitol Street, and the Anacostia River;

(II) All the land currently occupied by the District of Columbia Water and Sewer Authority that abuts the Anacostia River;

(III) All the land bounded by Potomac Avenue, S.W., South Capitol Street, Fort McNair, and the Anacostia River, except the area bounded by N Street, S.E., South Capitol Street S.E., Potomac Avenue, S.E., and First Street, S.E.; and

(IV) The parcels of land known for tax and assessment purposes as Lots 801, 802, and 804, Square 770.

(ix) "Southwest Waterfront" means the area bounded by Maine Avenue, S.W., the CSX rail line, the Washington Channel, 4th Street, S.W., and Fort McNair.

(2) "AWC" means the Anacostia Waterfront Corporation.

(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 and directed to be issued from time to time pursuant to this resolution.

(4) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

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

(6) "Development Costs" shall have the same meaning as in section 2(2) of the PILOT Act (D.C. Official Code § 1-208.01(2)).

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

(8) "DOT PILOT" means a PILOT derived from the DOT PILOT Area.

(9) "DOT PILOT Agreement" means the written agreement to be entered into by

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the District and the owner providing for payments in lieu of taxes for financing the project and for any other purposes authorized by the PILOT Act.

(10) "Financing costs" means issuance costs as defined in D.C. Official Code § 47-340.01(14).

(11) "Financing Documents" means the documents that relate to the financing, refinancing, or reimbursement of the costs of the project, as defined in D.C. Official Code § 47-340.01(11), including any offering document, and any required amendments or supplements to any such documents.

(12) "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.*).

(13) "Infrastructure" means any public parks, waterfront amenities, streets, sidewalks, walkways, parking facilities, streetscapes, curbs and gutters, and gas, electric, and water utilities, and other publicly owned capital projects authorized to be financed pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(14) "Owner" means JBG Federal Center L.L.C., or any other person to which any portion of the DOT PILOT Area is transferred.

(15) "Payments in Lieu of Taxes" or "PILOT" shall have the same meaning as given the term in section 2(5) of the PILOT Act (D.C. Official Code § 1-308.01(5)).

(16) "PILOT Act" means the Payments In Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308.01 *et seq.*).

(17) "PILOT Note" means a bond in an amount not to exceed \$140 million, as provided in section 5(a), to be issued to AWC to finance, refinance, and reimburse AWC for the costs of the project.

(18) "PILOT Period" means the period of time described in section 4(b).

(19) "Project" means:

(A) The Waterfront Park; and

(B) The Anacostia Waterfront Initiative Infrastructure.

(20) "Waterfront Park" means a waterfront park of approximately 5 acres and the infrastructure for public access to the waterfront park from Water Street, S.E., 2nd Street, S.E., and 4th Street, S.E.

Sec. 3. Findings.

(a) The issuance of bonds is the most desirable financing mechanism for the project and the project is deemed to contribute to the health, education, safety, and welfare of, or the creation of jobs for, the residents of the District, or to economic development of the District.

(b) The project will not be operated or held for profit and will be dedicated to the District. The project fulfills the public policy goals of the PILOT Act by attracting tourism and by improving the community, economy, and environment for the residents of the District. An ownership interest or profit participation is not practicable or desirable because the District would be forced to forego the benefits of the construction of public parks and infrastructure.

(c) Conventional or other forms of financing are not readily available for the project.

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While best efforts have been made to secure conventional and other alternative forms of financing, the costs to finance the project given the public infrastructure needs and historical uses of the land within the DOT PILOT Area render the project financially infeasible and impracticable.

(d) The PILOT payments to be made by the owner for the DOT PILOT Area shall be equal to the amounts that the owner would have paid in real estate taxes if the DOT PILOT Agreement not been executed.

Sec. 4. Establishment of DOT PILOT area; allocation of DOT PILOT; terms of DOT PILOT Agreement; approval of the execution of the DOT PILOT Agreement.

(a) There is established the DOT PILOT Area, which shall consist of an 8-acre parcel of land in the southeast quadrant of the District that is:

- (1) Currently under the control and jurisdiction of the United States of America, acting by and through the General Services Administration;
- (2) Under contract to be sold to the owner; and
- (3) Known for tax and assessment purposes as Lot 802, Square 770.

(b) The DOT PILOT Area shall be exempt from real property taxes during the PILOT Period, which shall begin on April 1, 2006, and continue through the later of:

- (1) The end of the fiscal year 2022;
- (2) The final maturity date of the bonds issued to finance or otherwise assist the project; or
- (3) The date on which all of the bonds issued pursuant to this resolution are paid or fully defeased and are no longer outstanding.

(c) During the PILOT Period, the owner shall make annual payments in lieu of taxes to the District with respect to the real property in the DOT PILOT Area in an amount as would have been paid in real property taxes under Chapter 8 of Title 47 of the District of Columbia Official Code based on assessments of the DOT PILOT Area conducted in accordance with the provisions of Chapter 8 of Title 47 of the District of Columbia Official Code as if the real property were subject to real property tax. Notwithstanding any provision in this resolution to the contrary, the owner shall have the right to challenge any assessment or reassessment of the DOT PILOT Area in accordance with the provisions of Chapter 8 of Title 47 of the District of Columbia Official Code and applicable PILOT Payments shall reflect the result of any such challenge. At the end of the PILOT Period, the DOT PILOT Area shall no longer be exempt from the District real property taxes, and any real property within the DOT PILOT Area shall be subject to taxation in accordance with District law.

(d) The DOT PILOT Agreement provides as follows:

- (1) The owner shall pay to the District as PILOT payments an amount equal to the amount of real estate taxes that the owner would be obligated to pay for the DOT PILOT Area in the absence of the DOT PILOT Agreement.
- (2) The District shall issue bonds secured by the DOT PILOT to AWC.

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(e) The DOT PILOT Agreement is approved in substantially the form as transmitted to the Council, and the DOT PILOT shall be paid in accordance with provisions of the DOT PILOT Agreement. The Mayor is authorized to execute and deliver the DOT PILOT Agreement on behalf of the District. The Mayor is further authorized to execute and deliver on behalf of the District any amendment or supplement to the DOT PILOT Agreement that does not constitute a material change in the terms of the DOT PILOT Agreement.

Sec. 5. Bond terms.

(a) The terms of the bonds are as follows:

(1) The bonds shall be issued in the form of a PILOT Note from the District to AWC. The bonds shall secure revenue bonds issued by AWC or otherwise applied to finance, refinance, or reimburse the project.

(2) The bonds shall be issued pursuant to the provisions of the Financing Documents.

(3)(A) The aggregate principal amount of the bonds shall not exceed \$140 million.

(B) The aggregate principal amount of the bonds, other than refunding bonds, to be issued hereunder, may be used as follows:

(i) The amount of \$40 million in 2006 dollars adjusted for inflation in net proceeds to fund a portion of the costs for the Waterfront Park and access to the Waterfront Park;

(ii) The amount of \$75 million in 2006 dollars adjusted for inflation in net proceeds to fund the portion of the costs for the Anacostia Waterfront Initiative Infrastructure; and

(iii) Financing costs for any series of bonds.

(C) Any portion of the DOT PILOT in excess of the amounts needed to fund either (i) principal, interest, reserves, redemption payments, premium, if any, and other costs associated with the bonds; or (ii) the costs of the project (as permitted pursuant to the DOT PILOT Agreement), shall be deposited annually into the General Fund of the District of Columbia.

(4) The final maturity of the bonds shall not exceed 15 years for any series of the bonds, and the debt service on the bonds required to be paid in any year shall be structured in such manner that the debt service will not exceed in any year the amount of the DOT PILOT payment projected by the District to be received by the District during that year.

(b) The bonds may have any other terms and conditions consistent with this resolution, the PILOT Act, and the Financing Documents.

(c) The bonds shall contain a legend that shall provide that the bonds shall be special obligations of the District, shall be nonrecourse to the District, shall not be a pledge of and not involve the faith and credit or taxing power of the District (other than the PILOT or any other security authorized by the PILOT Act), 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)

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of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(d) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of final form and content of the same. The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) 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. Payment and security.

(a) For the purpose of securing the payment of the bonds, the Chief Financial Officer shall establish an account to be designated as the DOT PILOT Fund. The Chief Financial Officer shall deposit into the DOT PILOT Fund all receipts from the DOT PILOT and from any taxes identified by any provision of District of Columbia law to be deposited into the DOT PILOT Fund.

(b) The District is authorized and directed to pledge the funds on deposit in the DOT PILOT Fund as security for the payment of principal of, and premium, if any, on the bonds.

(c) The bonds shall be payable solely from the funds on deposit in the DOT PILOT Fund.

Sec. 7. Financial analysis.

The financial analyses prepared by the Office of the Chief Financial Officer and made a part of the Payment in Lieu of Taxes Revenue Bonds Department of Transportation Project Approval Resolution of 2006, effective June 6, 2006 (Res. 16-657; 53 DCR 6832) and the DOT PILOT Revision Emergency Approval Resolution of 2006, effective October 18, 2006 (Res. 16-845; 53 DCR 8970), is the financial analysis required by section 4(a)(1)(H) of the PILOT Act (D.C. Official Code § 1-308.03(a)(1)(H)).

Sec. 8. Fiscal impact statement.

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. 9. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

18-390

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to provide that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant, to require hospitals to accept a surrendered infant, to provide for further placement with the Child and Family Services Agency, to provide immunity to a facility and personnel receiving a surrendered newborn infant, and to require the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Newborn Safe Haven Emergency Declaration Resolution of 2010".

Sec. 2. (a) Across the country, legislation has been enacted to address the increasing incidences of newborn abandonment. Texas became the first to enact a statewide safe haven law in 1999. To date, all 50 states have implemented safe haven legislation. The District of Columbia has joined the nation in enacting legislation to protect these vulnerable newborns.

(b) The District's legislation will allow a parent in crisis to anonymously surrender a newborn infant 14 days old or less, where there is no actual or suspected abuse or neglect, to a hospital without being charged with abuse, neglect, or abandonment of the newborn.

(c) The Newborn Safe Haven Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-180), must complete the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1))("permanent legislation").

(d) Emergency legislation is necessary to ensure that the safeguards are in place during the permanent legislation's review period to help prevent the tragic deaths of newborns who may be in danger of being discarded in hazardous locations by parents who are either unwilling or find themselves unable to care for them.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Newborn Safe Haven Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to require the Mayor to submit reprogramming requests to transfer funding to the Office of Public Education Facilities Management for the Barry Farms Recreation Center and the Fort Stanton Recreation Center redevelopment projects.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ward 8 Recreation Project Emergency Declaration Resolution of 2010".

Sec. 2. Emergency circumstances.

(a) The Council adopted the Contracts for Project Management and General Contractor Services for the Revitalization of District Recreation Centers, Schools, and Public Parks Approval and Payment Authorization Emergency Act of 2009, effective January 4, 2010 (D.C. Act 18-258; 57 DCR 334).

(b) D.C. Act 18-258, in part, authorizes the transfer of various parks and recreation projects, including Barry Farms and Fort Stanton, in Ward 8, to the Office of Public Education Facilities Modernization ("OPEFM") for execution of redevelopment activities.

(c) The redevelopment of the Barry Farms Recreation Center is being undertaken in concert with the larger Barry Farms New Communities initiative.

(d) The redevelopment of the Fort Stanton Recreation Center is a long-awaited project for which the Mayor has promised the community a ground-breaking in June of this year.

(e) A reprogramming request is needed to provide the funding necessary to go along with the authorization for OPEFM to proceed with the execution of each project.

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 Ward 8 Recreation Project Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to keep in place the amendment to the Office of Administrative Hearings Establishment Act of 2001 that permits the Rent Administrator, and those persons exercising authority delegated by the Rent Administrator, to retain authority to issue final orders in cases in which they have held evidentiary hearings before October 1, 2006.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rent Administrator Hearing Authority Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Rent Administrator Hearing Authority Temporary Amendment Act of 2009, effective July 18, 2009 (D.C. Law 18-31; 56 DCR 4264), will expire on February 28, 2010.

(b) The authority of the Rent Administrator to hold hearings and issue decisions in administrative cases arising under the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*) ("Rental Housing Act"), was transferred to the Office of Administrative Hearings on October 1, 2006, pursuant to section 6 (b-1)(1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03 (b-1)(1)).

(c) Currently, the Rent Administrator has a number of cases that either await issuance of a final decision or for which the period for appeal has yet to expire.

(d) Allowing the Rent Administrator and the hearing examiners to retain the authority to issue the remaining final orders will help to ensure that the claims of tenants and housing providers in these matters are decided quickly and efficiently.

(e) To avoid serious delays in the adjudication of the administrative hearings conducted under the Rental Housing Act, there is a critical and immediate need to allow the Rent Administrator to issue the remaining final orders.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rent Administrator Hearing Authority Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-393

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to provide assistance to United Medical Center.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Healthy DC Equal Access Fund and Hospital Stabilization Emergency Declaration Resolution of 2010".

Sec. 2. (a) United Medical Center ("UMC"), formerly known as Greater Southeast Community Hospital ("GSCH"), is a 184-bed facility that serves as a critical access point for thousands of District residents seeking health services. It is the only hospital located east of the Anacostia River.

(b) In 1999, Doctors Community Healthcare Corporation ("Doctors"), now known as Envision Healthcare Corp. ("Envision"), purchased GSCH out of bankruptcy. After Envision assumed ownership, service delivery at the hospital steadily deteriorated, placing the health and safety of District residents at serious risk.

(c) In January 2007, GSCH officials informed the District of their intention to discontinue obstetrics services at the hospital. As the same time, the Medical Executive Committee at GSCH submitted a letter to District officials expressing "serious concerns about the ability of Greater Southeast Hospital to provide basic patient care." This letter prompted a review by the District of GSCH's operations and standards of care.

(d) Meetings between members of the Council of the District of Columbia ("Council"), District Department of Health officials, GSCH management, and labor representatives revealed a disturbing picture of a facility where patient safety and quality of care were at risk. Among other things, serious concerns regarding staffing, equipment, and supply shortages were raised.

(e) According to March 2007 correspondence from GSCH officials, priority capital equipment needs at the hospital exceeded \$16 million, including such essential items as anesthesia machines, X-ray systems, ventilators, and echocardiogram machines, as well as basic supplies such as patient-call systems and blood-pressure monitors. In addition, the same correspondence identified a need for an additional 56 employees, including a Clinical-Lab Supervisor, a Critical Care Nurse Director, a Pharmacist, and a Director of Medical Records.

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(f) During the spring of 2007, GSCH's operations continued to deteriorate. GSCH's failure to pay Innovative Staffing Services, Inc., a staffing agency that supplied GSCH with approximately 80% of its emergency room nursing staff, led to the severance of that vendor's contract. As a result, the hospital's emergency room was so severely understaffed that it went on diversion, closing its doors to emergency vehicles, for the weekend of May 11-13, 2007.

(g) During 2007, GSCH had closed its emergency room, gone on diversion, or closed OB/GYN services for a total of 899 hours - on average, 6 hours per day. This was, at the time, the most of any District hospital.

(h) In response to the growing threat GSCH's instability poses to the health and safety of District residents, the Committee on Health ("Committee") held a public hearing on May 23, 2007, on the status of patient safety and quality of care at GSCH. The Committee questioned representatives of Envision, including the CEO Paul Tuft, about its fiscal management and corporate governance of the hospital and how its practices lead to the rapid decline of the hospital's ability to serve its patients in a safe and effective manner. The Committee also received testimony from the Department of Health, the Department of Mental Health, labor representatives, and members of the medical staff at GSCH as to the unsafe conditions at the facility.

(i) At the May 23, 2007, hearing, the Committee raised significant concerns about how GSCH had been managed by Envision. In particular, the Committee reviewed the conditions which led the hospital to re-enter bankruptcy in 2002. Specifically, court documents revealed that in the year prior to declaring bankruptcy, Envision, then known as Doctors Community Healthcare Corporation, engaged in a multitude of questionable financial activities, including payments to Tuft-Redman Enterprises, a company owned by Tuft, of approximately \$4.3 million in chartered travel expenses, \$601,500 of which were made 90 days before bankruptcy papers were filed. In addition, the pleadings show that Tuft received more than \$3 million in compensation the year preceding bankruptcy. The bankruptcy papers also reveal a web of nepotism that includes payments to the sisters, brothers, wives, husbands and in-laws of shareholders. At the same time of these questionable financial activities, GSCH failed to keep current on invoices which led vendors to sever relationships with the company, leaving the hospital in a constant state of uncertainty regarding available services and staffing levels.

(j) Following the May 23, 2007, hearing, the Committee requested from Envision additional information that was necessary to continue the Committee's review of the matter, including details regarding the governance structure at both GSCH and Envision, financial statements for GSCH, including all outstanding debts and overdue accounts, and all governing health and safety protocols. The Committee also requested that Envision provide a remediation plan for GSCH. A complete response was never provided.

(k) The May 23, 2007, hearing prompted renewed scrutiny of GSCH by the Department of Health ("Department"). From May 29, 2007, to June 1, 2007, the Department conducted thorough on-site inspections of GSCH and the GSCH-managed ambulatory care center ("ACC") located on the D.C. General campus. The Department's preliminary report showed severe

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staffing deficiencies, medical supply shortages, and inadequate medical equipment, including 3 blood pressure units and 4 anesthesia machines that had not been serviced or calibrated due to a lack of payment to vendors. The final report also cited serious patient safety concerns, including the failure to complete medication reconciliation forms and an inability to provide proper respiratory treatment, and found that "maintenance services were not adequate to ensure that [GCSH] was maintained in a safe and sanitary manner."

(l) On the same day that the Department began its on-site inspections of GSCH and the ACC, ACC physicians walked off the job claiming that GSCH owed them nearly 3 months' wages. At that time, GSCH received more than \$200,000 a month from the District government to assist it with the operations of the ACC. This failure on the part GSCH resulted in a serious disruption in patient care, including the rescheduling or cancellation of many appointments. Since June 2001, the District had paid GSCH nearly \$46 million in access-maintenance payments to support health-care services on the former D.C. General Campus. The Committee estimated that GSCH received well over \$5 million a year to run the ACC, including access-maintenance payments and reimbursements for services provided. Therefore, it was unclear to the Committee why GSCH was unable or unwilling to pay its staff and contractors in a timely manner.

(m) Based on its report, the Department provided GSCH with a statement of deficiency on June 8, 2007, and requested that GSCH submit a plan of correction. According to the Department, GSCH's plan of correction, submitted June 18, 2007, "fails to adequately address all the deficiencies identified." In addition, the Department found that the plan of correction failed to address quality assurance, provided completion dates that were either too far out or not specific, failed to provide an interim plan for staffing deficiencies, and failed to adequately address equipment, housekeeping, pharmaceutical, radiology and laboratory deficiencies. The Department forwarded these findings to GSCH on June 22, 2007, and outlined the additional information necessary before the plan of correction would be deemed acceptable. The Department gave GSCH until June 26, 2007, to submit a revised plan of correction.

(n) On June 25, 2007, the Committee held another public hearing on the status of GSCH. Specifically, the Department provided an update on its inspections and the progress being made towards correcting certain deficiencies. Though invited, GSCH's officials refused to participate.

(o) On June 26, 2007, GSCH submitted a revised plan of correction as required by the Department.

(p) On June 29, 2007, the Committee held another public hearing on the status of GSCH. The Department testified that it was satisfied with GSCH's plan of correction. However, the Department also testified that the success of the plan depended on the continued weekly financial support from Envision in the amount of \$500,000. Without these resources, the Department stated that the operations of GSCH would be profoundly compromised.

(q) The viability of GSCH was of enormous importance to the entire healthcare infrastructure of the District. This deterioration not only affected those individuals who utilize the hospital as their main point of care, but the District as a whole; for example, GSCH provided

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over \$26 million in community-care services on behalf of the District, including breast and cervical cancer screenings, inpatient and outpatient care for Medicaid beneficiaries, acute care for individuals with mental illness, and health services for individuals housed at the D.C. Jail. Because of the importance of GSCH, the District worked hard to secure additional resources and services for it, including acute care mental-health beds, detoxification services, and the city's emergency psychiatric program. GSCH, however, rejected the District's assistance and did not increase capacity. In addition, GSCH failed to improve its billing system to enable it to claim funds entitled to it under the District's Medicaid program.

(r) After years of mismanagement and neglect at the hands of Envision, the Council approved a public/private partnership between the District of Columbia and Specialty Hospitals of America, Inc. ("SHA") to provide \$79 million in grants and loans to assist the sale of the GSCH to SHA. That sale occurred on November 7, 2007, and SHA renamed the hospital United Medical Center. Since that time the hospital staff has worked relentlessly to add services, replace equipment, and hire physicians. In its last year under the ownership of Envision, GSCH lost, on December 5, 2007, national accreditation by the Joint Commission on the Accreditation of Healthcare Organizers ("Joint Commission").

(s) Since being sold to SHA on November 7, 2007, United Medical Center ("UMC") has undergone significant improvements, including over \$30 million in capital and equipment upgrades. All expenditures made from these resources were approved by District government officials. The investments made by the District and SHA have provided UMC's staff the ability to effectively diagnose and treat District patients. These investments include the first magnetic resonance imaging machine located in Ward 8, a new cardiac catheterization laboratory, new CT-scanners, new Gamma cameras, new dialysis machines, and new respirators.

(t) Along with equipment upgrades, UMC has also undergone several critical capital improvements. These include a new energy-efficient exterior, a new roof, and new chillers and boilers. These capital improvements not only help improve the patient experience, but they have also dramatically improved the quality of care offered at UMC.

(u) In addition to capital and equipment upgrades, UMC has expanded services over the last 2 years. These service expansions include increasing the amount of beds available for the Behavioral Health Program from 20 to 34, expanding the Primary Care Clinic to include medical and surgical specialists, and expansions in wound care, skilled nursing, and long-term acute care.

(v) The UMC was also awarded \$11 million by the District of Columbia for the capital costs associated with building a new pediatric emergency room that will be operated by Children's National Medical Center. This new facility is the first pediatric emergency department located east of the Anacostia River, which ensures that Ward 7 and Ward 8 residents can receive quality pediatric care in their community.

(w) The extensive progress made by UMC since the change in ownership was reaffirmed by the Joint Commission's decision to certify the accreditation of UMC in January 2009. Given the devastated state of GSCH, which led to the revocation of accreditation in December 2007, it was viewed as an extraordinary accomplishment to regain accreditation in just over 12 months.

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(x) The improvements made by UMC are a stark contrast to the Michael Reese Hospital in Chicago ("Michael Reese"), which was also under the ownership of Envision. In June 2009, the Michael Reese Hospital ceased operations. Michael Reese was once one of Chicago's largest and most-respected hospitals. In 1998, Michael Reese was purchased by Envision, approximately a year before Envision purchased GSCH. When both GSCH and Michael Reese were bought by Envision, they each contained over 450 beds and were similar in makeup and mission. Much like GSCH, Michael Reese was the victim of Envision's financial mismanagement. Unfortunately, there were no buyers for Michael Reese and demolition of its campus started shortly after the hospital closed. Michael Reese was not the only hospital that closed due to Envision's poor business practices. The Pacifica of the Valley hospital in suburban Los Angeles was also under Envision's ownership and suffered a similar fate, closing in February of 2009. Ultimately, Envision's mismanagement led to bankruptcy of the company in May of 2009. Were it not for the Council's intervention, GSCH could very well have suffered the same fate as Michael Reese, Pacifica of the Valley, and Envision.

(y) Although the financial condition and the quality of care of the hospital have improved under new ownership, returning the hospital to a profitable status has proved to be a difficult task. The challenges that UMC faced since coming under new ownership included having to replace the building's exterior curtain wall with a new energy-efficient facade and having to operate for a year without accreditation by the Joint Commission. Operating during one of the worst economic downturns in history, UMC is facing significant financial challenges that require the District's assistance.

(z) The UMC is currently experiencing monthly cash shortfalls of approximately \$450,000 to \$500,000.

(aa) The UMC provides approximately \$1 million a month in care to uninsured and under-insured District residents. The fact that UMC provides such a large amount of care to the uninsured and the under-insured, with significant increases in the number of uninsured and under-insured occurring due to the economic downturn, makes UMC a critical safety-net hospital for District residents.

(bb) To help address concerns surrounding UMC's financial stability, on January 15, 2010, UMC management instituted a restructuring plan that reduced 40.7 full-time equivalents (FTEs), leaving UMC with 686 FTEs. This is still more than 118 FTEs than existed in 2007. The restructuring plan developed by UMC management will result in \$2.5 million in annual savings.

(cc) Starting on March 1, 2010, the District of Columbia's Department of Health Care Finance will implement new diagnosis-related group ("DRG") rates for hospitals. This effort to re-calibrate rates began in June 2008. As a result of these re-calibrations, UMC will have its DRG rates adjusted from 85% to 95% of the cost of care. This adjustment will amount to approximately \$4 million annually in additional revenue.

(dd) The UMC's payer mix is currently 90% public payer. Public payers are individuals who are enrolled in either Medicare, Medicaid, or the District's Alliance program. At this time,

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UMC lacks third-party private-insurance customers who would cross-subsidize the lower rates of public plans.

(ee) During the month of December 2009, UMC saw its highest volume of patient admissions and outpatient activity of the year. But because UMC relies almost exclusively on public insurance, and these rates don't cover the cost of care, UMC can not cover its deficits simply by increasing its number of patients.

(ff) With the number of uninsured and under-insured steadily increasing, the District has a special obligation to stabilize the financial operations of UMC, the District's de facto safety-net hospital.

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 Healthy DC Equal Access Fund and Hospital Stabilization Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-394

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to permit the donation of unused medicines and supply assistance to victims of the Haiti earthquake.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Haiti Earthquake Relief Drug and Medical Supply Assistance Emergency Declaration Resolution of 2010".

Sec. 2. (a) On January 12, 2010, one of the largest earthquakes in modern history devastated Haiti, killing tens of thousands of people and leaving many more injured.

(b) The World Health Organization reports that the precarious health situation in Haiti prior to the earthquake is now compounded because of the dire need for basic health care and supplies.

(c) Haiti, a country of 9.4 million people, had some of the world's poorest health outcomes prior to the earthquake. The average health life expectancy at birth is 43 years for males and 44 years for females. Of people aged 15-49 years, 5.6% are living with HIV/AIDS. Sixty percent of the population lack access to basic medical care, and numerous hospitals were closed even before the earthquake because of severe deficiencies in the health-care workforce.

(d) Accounts from international relief organizations, such as Partners in Health, and journalists on the ground explain that these conditions have worsened substantially. Injured pregnant women, newborn children, people experiencing trauma, and those suffering from chronic diseases, such as tuberculosis, are in urgent need of medical relief, including life-saving medications and medical supplies.

(e) Failure to respond to the need for medicine and supplies will exacerbate already existing serious health-care problems, threatening the lives of victims of the Haiti earthquake.

(f) President Obama called for swift and aggressive action and declared Haiti relief a whole-of-government effort to support the victims of the earthquake. However, current District law is an impediment to the mobilization of local medical relief efforts to redistribute unused medication and supplies to Haiti for the triage and stabilization of earthquake victims.

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(g) Health care facilities and pharmacies in the District often either destroy unused medications and medical supplies or return them to reverse distributors. These medications could instead be redirected and provide substantial emergency medical relief to the people of Haiti.

(h) The donation of unused pharmaceutical products and medical supplies provides immediate access to medical relief and prevents waste of medicines and medical supplies that would otherwise be destroyed or returned to the manufacturer.

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 Haiti Earthquake Relief Drug and Medical Supply Assistance Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-395

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to approve Contract No. CFOPD-06-C-075 to provide financing for the Master Equipment Lease Program 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-075 Approval and Payment Authorization Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists a need to approve the 4th option year of Contract No. CFOPD-06-C-075 with Grant Capital Management, Inc., to provide financing for the Master Equipment Lease Program to the Office of the Chief Financial Officer and to authorize payment for the services received and to be received under that contract.

(b) On October 5, 2006, the Council approved Contract No. CFOPD-06-C-075. The approved contract included a one-year base term and 4 one-year option periods.

(c) On August 17, 2009, the Office of the Chief Financial Officer exercised option year 4 for the period of October 1, 2009, to September 30, 2010, for \$50 million.

(d) On October 15, 2009, the Council enacted the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, found at Title I, Subtitle J of the Fiscal Year 2010 Budget Support Second Emergency Act of 2009, 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 Contract No. CFOPD-06-C-075 option year 4 is necessary to allow the continuation of the vital services provided pursuant to this contract.

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-075 Approval and Payment Authorization Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-396

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect to the need to require the Mayor to submit a budget gap-closing plan to the Council by February 10, 2010, and to require the Mayor to submit monthly reports to the Council on the progress in controlling overspending during fiscal year 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Balanced Budget and Spending Pressure Control Plan Emergency Declaration Resolution of 2010".

Sec. 2. (a) The District of Columbia faces a budget gap of between \$203 and \$223 million in the current fiscal year. That projected deficit grows to between \$556 and \$606 million by fiscal year 2011.

(b) Additionally, the Fiscal Year 2009 Comprehensive Annual Financial Report shows the District's cumulative fund balance at the end of fiscal year 2009 is only \$920 million, compared with \$1.494 billion at the end of fiscal year 2007. Much of the \$920 million cannot be utilized by the District. A reduction to the District's cumulative fund balance during a recession is understandable. However, the speed of the reduction in the past 2 years of approximately \$574 million, or 38.4% of the total amount at the end of fiscal year 2007, makes it imperative that the Executive close the gap in fiscal year 2010 without having to rely heavily on fund-balance use.

(c) The longer spending pressures remain unresolved, the more difficult it is to solve them. With one-third of the fiscal year now completed, the Council would now have to cut the annualized equivalent of \$334.5 million for the remainder of the fiscal year to solve an annual budget gap of \$223 million. Therefore, it is essential to receive a budget gap-closing plan as soon as possible.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2010 Balanced Budget and Spending Pressure Control Plan Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-397

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2010

To declare the existence of an emergency with respect for the need to provide an agency with grant-making authority and 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 the purpose of providing grants to organizations that provide services to District Latino residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office on Latino Affairs Grant-Making Authority Emergency Declaration Resolution of 2010".

Sec. 2. (a) The Fiscal Year 2010 Budget Support Act of 2009 provides \$2.7 million programmed for competitive grants outlined in the Budget Support Act and \$1 million in intra-District transfers with the Department of Health and the Department of Employment Services for the purposes of providing summer jobs and alcohol and drug prevention in the Latino community.

(b) 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.

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

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

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 Office on Latino Affairs Grant-Making Authority Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.