

ENROLLED ORIGINAL

A RESOLUTION

18-479

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 26, 2010

To declare the existence of an emergency with respect to the need to approve the request to reprogram \$153,714,083 within various District agencies to ensure a balanced fiscal year 2010 budget.

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

Sec. 2. (a) The Mayor and the Council previously approved a balanced fiscal year 2010 budget.

(b) Subsequent to the approval of that budget, the Chief Financial Officer issued a revised revenue estimate certifying revenues for fiscal year 2010 that are below the previously certified estimate. In addition, certain budget pressures have arisen since the beginning of fiscal year 2010.

(c) The Mayor has submitted to the Council a reprogramming that will realign expenditures of approximately \$154 million among various District agencies to address the revised revenue estimates and the budget pressures.

(d) The budget for fiscal year 2010 must be adjusted immediately pursuant to the reprogramming to ensure that a balanced budget is maintained while continuing to meet the needs of District 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 Fiscal Year 2010 Balanced Budget Reprogramming 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

18-480

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 26, 2010

To approve, on an emergency basis, the request to reprogram \$153,714,083 of budget authority among various District agencies to ensure a balanced fiscal year 2010 budget.

RESOLVED; BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2010 Balanced Budget Reprogramming Emergency Approval Resolution of 2010".

Sec. 2. (a) Pursuant to section 47-363 of the District of Columbia Official Code, the Mayor transmitted to the Council a reprogramming request in the amount of \$153,714,083 to realign budget authority among various District agencies to ensure a balanced fiscal year 2010 budget.

(b) The Council approves the reprogramming request.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-481

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 26, 2010

To declare the existence of an emergency with respect to the need to amend the District of Columbia Appropriations Act, 1955 to direct that lease income from certain former school buildings shall be deposited into the District of Columbia Leasing Fees Working Fund; to amend An Act To establish a code of law for the District of Columbia establish and revise fees and charges for services rendered by the Surveyor; to amend the Construction Codes Approval and Amendments Act of 1986 to authorize the Mayor to establish and revise fees and additional charges regarding the Construction Codes, building permits, and certificates of occupancy, without submission of the proposed rules to the Council for its prior review and approval; to amend the the District of Columbia Business Corporation Act, to provide that the Mayor may establish and revise the fees and additional charges; to amend the District of Columbia Nonprofit Corporation Act to require the Mayor to establish certain fees and charges and to authorize the Mayor to revise those fees and charges; to amend the District of Columbia Cooperative Association Act to require the Mayor to submit proposed rules the Council; to amend the Limited Liability Company Act of 1940 to authorize the Mayor to establish and revise certain fees and charges; to amend the Uniform Partnership Act of 1996 to authorize the Mayor to establish and revise fees and charges and to submit the proposed rules to the Council; to amend the Uniform Limited Partnership Act of 1987 to authorize the Mayor to establish fees and additional charges; to amend section 47-2851.04 to authorize the Mayor to adjust, by rule, certain fees; to amend Title 17 of the District of Columbia to establish the rate of certain fees and surcharges for the filing of corporation and other entity documents; to amend the Housing Production Trust Fund Act of 1988 to modify the limit on the percentage of funds in the Housing Production Trust Fund that may be used for administrative costs; to authorize the Mayor to issue grants in furtherance of the Mayor's planning authority; to amend the Department of Transportation Establishment Act of 2002 to modify the amount of funds that will be transferred from the District Department of Transportation Unified Fund to the General Fund; to transfer certain special purpose account balances and revenue to local funds; to modify the allocations of funding to certain existing and new capital projects; to amend the Anacostia River Clean Up and Protection Act of 2009 to clarify the permissible uses of the Anacostia River Clean Up

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and Protection Fund; to amend the District Department of the Environment Establishment Act of 2005 to clarify the permissible uses of the Storm Water Permit Compliance Enterprise Fund; to amend the Medicaid Benefits Protection Act of 1994 consistent with the requirements of the Deficit Reduction Act of 2005 to require health insurers that are legally responsible for the payment of a claim for a health care item or service to provide, as a condition of doing business in the District, information about individuals who were eligible for or received medical assistance and to amend the requirements for health insurers to reimburse the District for medical assistance it provided; to impose an assessment on hospitals, to establish a nonlapsing account into which the assessments shall be deposited, and to establish the authorized uses of funds in the account; to amend the District of Columbia Municipal Regulations to increase the fee associated with the filing of pharmaceutical marketing cost reports; to require that no fiscal year 2010 funds may be expended on any indefinite-delivery indefinite-quantity option contract for construction services that has task orders over \$1 million that has not been submitted to and approved by the Council; to amend section 16-1059 of the District of Columbia Official Code to extend the sunset date for the Domestic Violence Fatality Review Board; to allow the University of the District of Columbia to have exclusive use of the closed Patricia R. Harris Educational Center School building; to provide that \$4.6 million from the Department of employment Services to remain available to fund a request for proposals related to adult job training; to clarify that the district of Columbia Public Library is authorized to issue grants and execute contracts pursuant to the Reserve for African-American Civil War Records Act of 2009; to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 to establish a nonlapsing fund for the purpose of administration and enforcement of Title V of the act; and to provide that of the capital funds allocate for a specified streetcar project, \$34.5 million shall be subject to Council approval of a comprehensive plan on the financing, operations, and capital facilities of the project.

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

Sec. 2. (a) The Mayor and the Council previously approved a balanced fiscal year 2010 budget.

(b) Since the time that budget was approved, the Chief Financial Officer issued a revised revenue estimate certifying local fund revenues for fiscal years 2010 that are below the previous certified estimate. In addition, certain budget pressures have arisen since the beginning of fiscal year 2010.

(c) Appropriated revenues and budget authority for fiscal year 2010 must be adjusted

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immediately to ensure that a balanced budget is maintained while continuing to meet the needs of District 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 Fiscal Year 2010 Balanced Budget Support Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-482

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 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 \$8 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the Arts and Technology Academy: A Public Charter School in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Arts and Technology Academy: A Public Charter School 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 Arts and Technology Academy: A Public Charter School, a District of Columbia nonprofit corporation, exempt from federal income taxes.

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

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

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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:

(A) Currently refund the outstanding \$3.9 million District of Columbia Variable Rate Demand Revenue Bonds (Arts and Technology Academy: A Public Charter School Issue) Series 2002 ("Refunded Bonds"), which issue was used to finance, refinance, or reimburse the Borrower for all or a portion of the costs to refinance the costs of acquisition of an existing school building and related grounds at 5300 Blaine Street, N.E., Washington, D.C. 20019 (Lot 0800, Square 5241) ("Facility");

(B) Finance or refinance the costs of acquiring equipment for the Facility and repairing, renovating, and improving the Facility, including, but not limited to, replacement of the HVAC system, the overhaul of student restrooms, the modernization of classroom wiring, the improvement of ADA accessibility and storage, and the acquisition of modular classrooms and offices;

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

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by

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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 \$50 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 college and university 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 \$8 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:

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

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Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

(a) The principal of, premium, if any, on, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(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

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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 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

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agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

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

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date after 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, 1985 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This 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

18-483

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 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 \$50 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist The Catholic University of America 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 "Catholic University of America 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 Catholic University of America, a District of Columbia nonprofit corporation, exempt from federal income taxes.

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

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

(13) "Project" means:

(A) The refinancing a portion of the District's Revenue Bonds (The Catholic University of America Project) Series 1999 Bonds, the portion of which was used to refinance the District's University Revenue Bonds (The Catholic University of America Issue) Series 1993 Bonds issued to finance the construction of a new law center and the renovations of academic buildings;

(B) The refinancing of Borrower's Taxable Variable Rate Demand Bonds Series 2004 issued to finance the acquisition of approximately 49 acres of land adjacent to the Borrower's main campus located at 620 Michigan Avenue, N.E., Washington, D.C. 20064; and

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

Sec. 3. Findings.

The Council finds that:

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

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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 \$50 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 college and university 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 \$50 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

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

Sec. 5. Bond details.

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

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

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

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

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interest on the Bonds;

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

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

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

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

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

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

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

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

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

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

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

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

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or

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

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

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

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

Sec. 7. Payment and security.

(a) The principal of, premium, if any, on, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(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 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 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,

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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 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.

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

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date after 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, 1985 (100 Stat. 2635; 26 U.S.C. 147(f)), and section 490(k) of the Home Rule Act, for the Project. This 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

18-484

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 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 \$60 million in one or more series and to authorize and provide for the loan of the proceeds of the bonds to assist the National Law Enforcement Officers Memorial Fund, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Law Enforcement Officers Memorial Fund, Inc. 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 National Law Enforcement Officers Memorial Fund, Inc., a District of Columbia nonprofit corporation exempt from federal income taxes.

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

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

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

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

(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 cost of:

(A) The constructing, designing, furnishing, and equipping of an approximately 53,000 square foot national law enforcement museum to be located at 444 E Street, N.W., Washington D.C. (Federal Land Reservation #7);

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

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

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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 \$60 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 college and university 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 \$60 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

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

Sec. 5. Bond details.

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

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

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

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

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

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on, the Bonds, and the maturity date or dates of the Bonds;

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

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

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

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

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

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the

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Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the Bonds.

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

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

Sec. 7. Payment and security.

(a) The principal of, premium, if any, on, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(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 manual or facsimile signature.

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

(d) The Mayor's execution and delivery of the Financing Documents and the Closing

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Documents to which the District is a party shall constitute conclusive evidence of the Mayor approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

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Sec. 11. District officials.

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

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

Within 3 days after the Mayor 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 on the Bonds or pursuant to the Loan will be paid. The Borrower, any purchaser of the Bonds, or any other person shall not rely upon the District with respect to these matters.

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Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date after 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, 1985 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project. This 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

18-485

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the sense of the Council in support of the Uniting American Families Act, or other law, that will end discrimination for bi-national same-sex partners under the immigration laws and allow gay and lesbian residents of the District of Columbia fair and equal access to immigration benefits.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the Uniting American Families Act Resolution of 2010".

Sec. 2. The Council finds that:

(1) A driving goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the United States of America engaging fully in our country's rich civil traditions and form of government.

(2) The District of Columbia celebrates and respects all immigrant groups and all families, including those of same-sex gay and lesbian partners.

(3) Current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner of the same sex by not allowing the sponsorship of the foreign partner for immigration benefits; although an opposite-sex couple would have the right to do so.

(4) This form of discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners.

(5) The inability to sponsor a same-sex partner leaves the couple with the limited options of:

- (A) Choosing to remain in a costly long-distance international relationship;
- (B) Choosing to live abroad in the foreign partner's country, if allowable;
- (C) Seeking a visa, independent of the partnership, for the foreign-born partner, creating a legal stay of limited duration;
- (D) Choosing to allow the foreign-born partner to remain undocumented or to allow a visa to lapse, creating daily uncertainty and fear of deportation; or
- (E) Terminating the relationship.

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(6) The limited legal options for same-sex partners to keep their relationships unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples in bi-national relationships.

(7) Beyond the personal challenges to same-sex couples, the District of Columbia and the entire country risk a great loss of talent should the foreign partner or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to maintain the relationship in another country.

(8) Currently pending in the United States Congress is the Uniting American Families Act, reintroduced on February 12, 2009, by Representative Jerrold Nadler and Senator Patrick Leahy. The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships" (H.R. 1024/S.424).

(9) The Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite-sex relationships. All legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain.

(10) The Uniting American Families Act would bring U.S. immigration law in line with the 20 other countries, and the United Kingdom, that already recognize same-sex partnerships for immigration purposes, which are: Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland.

(11) The District of Columbia fully supports the measures of Congress to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite-sex partners who currently enjoy such legal rights.

Sec. 3. It is the sense of the Council that the passage of the Uniting American Families Act or other law that will end discrimination for bi-national same-sex partners under the immigration laws and will allow gay and lesbian residents of the District of Columbia fair and equal access to immigration benefits through their permanent partnerships will have a significant positive impact on the District of Columbia and should be enacted.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption to the Honorable Congresswoman Eleanor Holmes Norton, the Honorable Nancy Pelosi, the Speaker of the United States House of Representatives, the Honorable Harry Reid, Majority Leader in the United States Senate, and to the Honorable Joseph Biden, Vice-President of the United States.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-486

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the sense of the Council in support of the use of science-based eligibility criteria for blood donation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of Using Science-based Eligibility Criteria for Blood Donation Resolution of 2010".

Sec. 2. The Council finds that:

(1) The United States Food and Drug Administration ("FDA") is the federal agency responsible for protecting the public health and assuring the safety of pharmaceutical and biologic products, including donated blood.

(2) In 1982, when there were no HIV tests or HIV treatments, and little was known about HIV and AIDS, the FDA imposed a lifetime deferment, or permanent ban, on blood donation by any man who has had sex with another man ("MSM") at any time since 1977.

(3) The FDA justifies this policy by citing that 1977 was the beginning of the AIDS epidemic in the United States and that MSMs are at a greater risk of HIV, which can be transmitted by transfusion.

(4) In the almost 30 years since the FDA's decision to exclude MSMs from donating blood, the medical community has made great strides in preventing, diagnosing, treating, and understanding HIV/AIDS.

(5) The FDA's lifetime restriction on MSMs donating blood fails to consider the potential donor's actual health status and whether the potential donor has actually engaged in high-risk sexual activity.

(6) The only other groups permanently excluded from donating blood are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob disease, and people who have accepted money or drugs in exchange for sex.

(7) Nationally, an individual needs a life-saving blood transfusion once every 3 seconds. Though 60% of Americans are eligible to donate blood, less than 5%, on average, actually donates. Each day, approximately 4.5 million Americans benefit from life-saving blood

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transfusions every year. A single blood donation can save 3 lives.

(8) Recipients of blood donations include cancer patients, burn and trauma victims, newborn babies, transplant patients, mothers delivering babies, surgery patients, and patients suffering from sickle cell disease or thalassemia, among others diseases.

(9) Limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood.

(10) South Africa, Argentina, Australia, Hungary, Japan, Sweden, and New Zealand have all imposed a time period in which MSMs must wait before being allowed to donate, while Russia has completely lifted the ban. Other countries, such as Italy, Spain, and France, screen potential donors for high-risk sexual practices, rather than excluding specific groups of people, and exclude all individuals who have engaged in risky sexual behavior from donating blood.

(11) Numerous public health groups, including the American Red Cross, the American Association of Blood Banks, America's Blood Centers, the American Medical Association, and the Gay Men's Health Crisis, and other leading lesbian, gay, bisexual, and transgender organizations, have urged that the FDA's lifetime deferment be revised.

(12) The FDA recently announced that it will reexamine the restrictions on blood donation by MSMs and that the United States Department of Health and Human Services' blood safety committee will consider this issue in June 2010.

Sec. 3. It is the sense of the Council of the District of Columbia that the United States Food and Drug Administration should reverse the lifetime deferment of blood donations by men who have had sex with men since 1977 in favor of a policy that protects the safety and integrity of the blood supply that is based on an up-to-date scientific criteria.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-487

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare that the sense of the Council is that, beginning in 2012, the date of the District's primary elections will need to be moved to a date no later than the Tuesday of the first full week of August.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Primary Election Timing Resolution of 2010".

Sec. 2. The Council finds that:

(1) On October 28, 2009, as part of the National Defense Authorization Act of Fiscal Year 2010 (Pub. L. No. 111-84), President Obama signed the Military and Overseas Voter Empowerment Act ("MOVE Act").

(2) Under the MOVE Act, election jurisdictions are required to be capable of transmitting a federal absentee ballot to an absent uniformed services voter or overseas voter at least 45 days before an election.

(3) Because the certification of the District's primary election will not happen more than 45 days before the general election, the District will be unable to comply with the 45-day requirement.

(4) The Executive Director of the District of Columbia Board of Elections and Ethics has testified that the latest possible date on which a primary election could be held that would comply with the 45-day requirement is the Tuesday of the first full week of August.

(5) Because the District will be unable to meet the timing requirement during the 2010 election cycle, the District must apply for a "hardship exemption waiver" for the 2010 general election before August 2010.

(6) One of the requirements for a hardship exemption waiver is the submission of a "comprehensive plan" to "ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office."

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(7) To assist the Board in obtaining a hardship exemption waiver, the Council will need to enact legislation changing the primary election date for federal offices beginning in 2012.

Sec. 3. It is the sense of the Council that the District government will need to move the date of its primary elections for federal offices to a date no later than the Tuesday of the first full week of August.

Sec. 4. The Secretary to the Council of the District of Columbia shall transmit copies of this resolution upon its adoption to the President of the United States, the Attorney General of the United States, the Director of the Federal Voting Assistance Program, and the Executive Director of the District of Columbia Board of Elections and Ethics.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-488

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To approve proposed rules to clarify what constitutes an egregious first-time sale to minor violation of Title 25 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Egregious First-Time Sale to Minor Violation Clarification Regulations Approval Resolution of 2010".

Sec. 2. Pursuant to D.C. Official Code § 25-830(e), the Mayor transmitted to the Council on April 28, 2010 proposed rules that would clarify what constitutes an egregious first-time sale to minor violation for the purposes of Title 25 of the District of Columbia Official Code. The Council approves the proposed rules, published at 57 DCR 1112, to amend Chapter 8 of Title 23 of the District of Columbia Municipal Regulations to add a new section 807.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-489

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the existence of an emergency with respect to the need to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to call for a referendum on the amendments to the Charter of the District of Columbia establishing the Attorney General for the District of Columbia as an elected position.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Elected Attorney General Referendum Emergency Declaration Resolution of 2010".

Sec. 2. (a) The position of attorney general holds an elevated place in our democratic form of government as it is the public official, at all levels, responsible for justice. The attorney general serves not only as a counselor to the government but as an advocate of the public interest. The Attorney General for the District of Columbia serves an essential role in the operation of government and in furthering the interests of justice for District residents.

(b) In order to strengthen the position of the Attorney General, the District enacted Bill 18-65, the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010. While Bill 18-65 has a projected law date of May 27, 2010, Title II of the legislation, which would make the position of Attorney General an elected position in the District, requires an amendment to the District of Columbia Home Rule Act ("Home Rule Act").

(c) The Home Rule Act can only be amended by an act of Congress (*see* section 601 of the Home Rule Act; D.C. Official Code § 1-206.01), or by an act of the Council ratified in a referendum (*see* section 303 of the Home Rule Act; D.C. Official Code § 1-203.03).

(d) As it is unlikely that Congress will act timely to enact Title II of Bill 18-65, ratification of a Charter amendment through a referendum is necessary to make the position of Attorney General an elected position. The Council is vested with authority to pass an act that, if ratified by a majority of the registered qualified electors of the District, becomes law following a 35-day congressional review period.

(e) Attorneys General are popularly elected in 43 states, showing a clear trend toward the election of this position by the electorate. Creating an elected Attorney General position will

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foster the necessary independence of the office, strengthen its stature within the government, and benefit the District by making the Attorney General directly accountable to voters.

(f) It is necessary to move this legislation on an emergency basis to ensure the referendum will be included in an already scheduled election this fall.

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 Elected Attorney General Referendum 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

18-490

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the existence of an emergency with respect to the need to require registration with public safety and regulatory agencies by licensees wishing to extend, during the 2010 World Cup, their permitted hours of operation under an on-premises retailer's license.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "World Cup Extension of Hours Emergency Declaration Resolution of 2010".

Sec. 2. (a) The 2010 World Cup is scheduled to occur between June 11, 2010 and July 11, 2010. Because of the time difference between the District and the host nation of South Africa, soccer games will be played early in the morning, including at 7:30 a.m. Several Advisory Neighborhood Commissions and community organizations have expressed support in allowing licensed on-premises establishments to open as early as 7 a.m., which is earlier than the hours allowed in section 25-723 of the District of Columbia Official Code.

(b) Emergency legislation is needed to clarify that licensees seeking approval to open earlier for the 2010 World Cup shall be required to register with public safety and regulatory agencies to allow for the advance planning of manpower and resources.

(c) These agencies need licensee registration to be completed no later than 2 days in advance of the first day of extended hours. Consequently, it is necessary for the Council to pass this legislation on an emergency basis.

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

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

18-491

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the existence of an emergency with respect to the need to clarify that the Georgia Avenue Main Street functions may be managed directly by the Department of Small and Local Business Development for commercial corridor improvement activities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgia Avenue Main Street Authorization Emergency Declaration Resolution of 2010".

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

(1) The Georgia Avenue Main Street organization was recently dissolved without having performed the vital economic development duties for which it was created and funded.

(2) Without a Main Street organization to perform those duties, the funds previously approved by the Council remain inaccessible and the mission of the Main Street program goes undone.

(3) To access this funding and expend it for economic development within the Georgia Avenue commercial corridor, the underlying act is necessary.

(4) The underlying act would authorize Department of Small and Local Business Development to administer the \$150,000 previously approved by the Council directly or through a grant for the same purposes that the Georgia Avenue Main Street organization was established.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Georgia Avenue Main Street Authorization Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-492

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the existence of an emergency with respect to the need to approve modifications to Contract No. POFA-2006-C-0066 with American Traffic Solutions, Inc., to operate an automated traffic safety enforcement system 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. POFA-2006-C-0066 Modifications Approval and Payment Authorization Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 8 and 9 and proposed Modification No. 10 to Contract No. POFA-2006-C-0066 with American Traffic Solutions, Inc., to operate an automated traffic safety enforcement system and to authorize payment for the services received and to be received under this contract.

(b) On December 18, 2009, by Modification No. 8, the Office of Contracting and Procurement ("OCP") exercised a partial option for option year 2 in the amount of \$976,200 for the period from December 22, 2009 until March 21, 2010.

(c) On March 1, 2010, by Modification No. 9, the OCP exercised another partial option for option year 2 in the amount of \$325,400 for the period from March 22, 2010 until April 21, 2010.

(d) Modification No. 10 is now necessary to exercise the remainder of option year 2 to increase the total estimated not-to-exceed amount for option year 2 to \$7,692,411.28.

(e) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, American Traffic Solutions, Inc., cannot be paid for services provided in excess of \$999,999 in this option year.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POFA-2006-C-0066 Modifications Approval and Payment Authorization Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-493

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 1, 2010

To declare the existence of an emergency with respect to the need to amend the Health Services Planning Program Re-establishment Act of 1996 to exempt the acquisition of the Washington Center for Aging Services by Stoddard Baptist Home Foundation, Inc., from certificate of need review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Health Services Planning Program Re-establishment Emergency Declaration Resolution of 2010".

Sec. 2. (a) Stoddard Baptist Home Foundation, Inc. ("SBHF") will enter into a lease before July 1, 2010, to manage and operate the Washington Center for Aging Services ("WCAS"), a District-licensed Medicare and Medicaid certified nursing facility for an estimated 259 residents, with a geriatric treatment program for about 55 elderly participants. The SBHF lease with the Department of Real Estate Services and the Office of Aging will commence on July 21, 2010.

(b) VMT Long Term Care Management, Inc., ("VMT") was provided a sole source contract against an existing contract to manage and operate the facility from April 21, 2010, through July 20, 2010. This contract was extended to allow time for an effective transition from VMT to SBHF. On July 5, 2010, both providers will co-manage WCAS, allowing the residents the opportunity to become familiar with the new provider.

(c) The State Health Planning and Development agency ("SHPDA") informed SBHF that before a determination could be made on whether a certificate of need review and approval would be required for the proposal to lease the facility, SHPDA would need additional information on the terms and condition of the lease and the review period would take up to 60 days.

(d) Due to this critical situation facing SBHF, SBHF needs an exemption from certificate of need review to continue providing necessary services to District residents.

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(e) Without the exemption, the District will lose the revenue it is expected to receive from the SBHF and may be required to extend another costly sole source contract to VMT until the necessary certificate of need paper work is in order.

(f) Exemption from certificate of need review is necessary to expedite the services SBHF will provide WCAS 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 Health Services Planning Program Re-establishment Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.