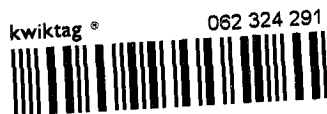


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-41

"General Obligation Bond for Fiscal Year 1998 Act of 1997"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-371, on first and second readings, October 21, 1997 and November 4, 1997, respectively. Following the signature of the Mayor on November 21, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-208, and published in the January 23, 1998, edition of the D.C. Register (Vol. 45 page 356).

The Council of the District of Columbia hereby gives notice that this legislation became effective on December 16, 1997, upon approval by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to a waiver of the 30-day congressional review period contained in section 148 of P.L. 105-100,* therefore, cites this enactment as D.C. Law 12-41, effective December 16, 1997.



LINDA W. CROPP
Chairman of the Council

***Public Law 105-100 waived the 30-day Congressional Review Period for this Law.**

AN ACT
D.C. ACT 12-208

*Codification
District of
Columbia
Code
1998 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 21, 1997

To authorize the issuance of general obligation bonds of the District of Columbia for the purposes of financing certain capital projects and the refunding of certain capital indebtedness of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "General Obligation Bond for Fiscal Year 1998 Act of 1997".

Sec. 2. Definitions.

*Note, Section
47-321*

For the purposes of this act, the term:

(1) "Additional bonds" means District general obligation bonds that may be issued pursuant to section 461 of the Home Rule Act and any act enacted subsequent to this act, on a parity with the bonds.

(2) "Authorized delegate" means any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act, including, but not limited to, the Chief Financial Officer, the City Administrator, the Assistant City Administrator for Economic Development, and the District of Columbia Treasurer.

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

(4) "Bonds" means District general obligation bonds authorized to be issued pursuant to this act.

(5) "Capital projects" means the District capital projects as defined in section 103(8) of the Home Rule Act for either general governmental purposes or for enterprise purposes.

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

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

(8) "Escrow agreement" means any agreement heretofore or hereafter entered into by the Mayor to provide for the custody, investment, and disbursement of revenues and funds pledged to, and in which a security interest is created for, the payment of the principal of and interest on the bonds under this act.

(9) "FRMA Act" means the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 119; D.C. Code § 47-3401), as amended.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Code § 1-101 *passim*), as amended.

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

(12) "Outstanding debt" means the outstanding indebtedness at any time of the District for capital project loans from the Treasury of the United States and any outstanding general obligation bonds issued pursuant to this or any prior act.

(13) "Paying agent" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor pursuant to section 6.

(14) "Registrar" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor pursuant to section 6.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Special tax fund" means the debt service fund established by the Mayor pursuant to section 9.

Sec. 3. Findings.

The Council finds that:

(1) Section 461 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bonds to refund outstanding indebtedness of the District and to provide for the payment of the cost of acquiring or undertaking its various capital projects.

(2) The cost of outstanding debt could be reduced by refunding a portion of it through the issuance of the bonds.

(3) The issuance of the bonds is an economical method of financing the costs of acquiring or undertaking the capital projects described in section 5 and of refunding all or a portion of certain outstanding debt, and is in the public interest.

Sec. 4. Bond authorization.

(a) The District is authorized to incur indebtedness by issuing the bonds pursuant to sections 461 through 467 of the Home Rule Act to provide for any of the following:

(1) The payment of the cost of acquiring, undertaking, or refinancing capital projects described in section 5 for general governmental and enterprise purposes;

(2) The reimbursing of amounts temporarily advanced from the General Fund, any enterprise fund, or other fund or account of the District;

(3) The refunding of outstanding debt; and

(4) The payment of the costs and expenses of issuing and delivering the bonds, including underwriting, agency rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and

expenses, marketing and selling the bonds, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in sections 7(f) and 8(h), and the payment of other debt program related costs as provided in the agreements related thereto.

(b) The Mayor is authorized to pay from the proceeds of the bonds and, to the extent necessary to establish or continue the tax-exempt status of any of the bonds issued on a tax-exempt basis, from other District funds the costs and expenses referred to in subsection (a)(3) of this section.

Sec. 5. Capital projects.

(a)(1) Bonds may be issued pursuant to this act to provide for the payment of the cost of acquiring, undertaking, or refinancing capital projects of the District, and reimbursement of amounts advanced for such purposes, including, but not limited to, capital projects for the following categories of facilities and equipment by project and project description:

- (A) Government direction and support;
- (B) Economic development and regulation;
- (C) Public safety and justice;
- (D) The public education system;
- (E) Human support services; and
- (F) Public works.

(2) The Council shall specify and determine from time to time by resolution the capital projects for which the issuance of bonds under this act shall be authorized.

(b) The amount of indebtedness that may be incurred through the issuance of bonds for capital projects, exclusive of the costs and expenses of issuing and delivering the bonds and any other costs referred to in section 4(a)(4) which may be funded with proceeds of the bonds, may not exceed \$200 million.

(c) The capital projects authorized in subsection (a) of this section have been authorized by An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code § 9-219).

(d) Capital projects authorized in subsection (a) of this section have also been authorized by the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 110; D.C. Code § 7-132), and by section 3(g) of the District of Columbia Motor Vehicle Parking Facilities Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Code § 40-805(7)).

(e) The maximum total principal amount to be financed through bonds provided for the capital projects authorized in subsection (a) of this section includes amounts requested by the government of the District of Columbia and approved by Congress in budgets through, and including the budget for, the fiscal year ending September 30, 1998.

(f) The costs of the capital projects approved pursuant to this act and prior bond acts

which have become law are reasonably expected to be reimbursed in whole or in part with the proceeds of the bonds authorized in this act in the maximum amount set forth in subsection (b) of this section, paid originally from the General Fund of the District or the capital projects fund. The adoption of this act by the Council declares the intent of the District under U.S. Treasury Regulations § 1.150-2, issued under the Internal Revenue Code of 1986, to reimburse such General Fund and capital projects fund with the proceeds of the bonds issued pursuant to this act.

(g) Funds pursuant to this act may not be used to pay for personnel of the District, except in positions working on authorized capital projects that create assets or extend the useful life of the assets.

Sec. 6. Bond details.

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

(1) Whether the bonds are to be issued in one or more series and the principal amount of each series;

(2) For each series of the bonds, the date of issuance, sale, and delivery of the bonds, the maturity date or dates of the bonds (provided that the maximum maturity of any bond shall not exceed 30 years from the date of issuance), the dates for payment of principal and interest on the bonds, and the amount of each installment or sinking fund payment of principal (provided that the principal installments on each series of the bonds shall begin no later than 3 years from the date of issuance of the series);

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds, provided that the interest rate or rates borne by the bonds of any series shall not exceed 15% per year calculated on a 360-day year, 30-day month basis in any event;

(4) For each series of the bonds, the maximum debt service payable in any fiscal year, provided that the amount so determined for any series shall not exceed the amount permitted under section 11(d);

(5) The designation of the bonds and their denominations, lettering, and numbering or the manner of determining the designations and denominations, lettering, and numbering;

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

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

(8) The designation of a registrar, if other than the District, for any series of the bonds and the execution and delivery of any necessary agreements relating to the appointment;

(9) The designation of a paying agent for any series of the bonds and the

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execution and delivery of any necessary agreements relating to the appointment;

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

(11) Provisions for the security of holders of the bonds, including, but not limited to, bond insurance or other credit enhancement.

(b) 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 of an authorized delegate. To the extent required by the Home Rule Act, at least one of these signatures shall be manual. To the extent required by the Home Rule Act, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(c) The registrar shall manually authenticate each bond and maintain the books of registration for the payment of the principal of, and interest on, the bonds and perform other ministerial responsibilities as specifically provided in its appointment as registrar, and the securities depository, if the bonds are issued in book-entry form, shall maintain or cause to be maintained books of registration of owners of beneficial interests in the bonds.

Sec. 7. Sale of the bonds.

(a) The bonds of any series may be sold by the Mayor by competitive bid or, if permitted by law, by negotiated sale, in such manner as the Mayor may determine to be in the public interest.

(b) The Mayor may prepare or cause to be prepared and may execute, in relation to each sale of the bonds, offering documents on behalf of the District and may authorize the distribution of the offering documents in relation to the bonds being sold.

(c) The Mayor shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of, or supplement to, any such agreement, document, or instrument) as required by or incidental to:

(1) The issuance of the bonds;

(2) If and to the extent the bonds are issued on a tax-exempt basis, the exclusion from gross income for federal income tax purposes of interest on the bonds, the treatment of interest on the bonds as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District taxation of interest on the bonds;

(3) The performance of any covenants contained in this act or any purchase contract for the bonds; and

(4) The execution, delivery, and performance of any escrow agreement, trust agreement, bond purchase agreement, or paying agent agreement.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from bond counsel as to the validity of the bonds and, if and to the extent the bonds are issued on a tax-exempt basis, the treatment of the interest on the bonds for purposes of federal and District income taxation.

(e) The Mayor shall execute a bond issuance certificate evidencing the determinations

made and other actions taken by the Mayor for each series of the bonds issued and shall designate in the bond issuance certificate the amount of the bonds to be used to finance capital projects or to refund or refinance outstanding debt, the amount of principal and interest on that amount of bonds to be paid through sinking fund payments, redemptions, or otherwise, in each fiscal year, the date of the bonds, the series designation, the authorized denominations, the paying agent or agents, and any other matters pertaining to the bonds, including any matters applicable under section 6(a). A copy of the bond issuance certificate shall be filed with the Secretary to the Council not more than 3 days after the delivery of the bonds covered by the bond issuance certificate. Any bond issuance certificate shall be conclusive evidence of the actions or determinations taken or made as stated in the bond issuance certificate.

(f)(1) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*) ("Procurement Act"), and D.C. Code § 47-341 *et seq.*, shall not apply to whatever contract the Mayor may from time to time enter into for purposes of this act or the Mayor may determine to be necessary or appropriate for purposes of this act to place, in whole or in part:

- (A) An investment or obligation of the District as represented by the bonds;
- (B) An investment or obligation or program of investment; or
- (C) A contract or contracts based on the interest rate, currency, cash flow, or other basis, including, without limitation, interest rate swap agreements, currency swap agreements, insurance agreements, forward payment conversion agreements, futures, contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices, contracts to exchange cash flows or a series of payments, and contracts to hedge payment, currency, rate, spread or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls.

(2) The contracts or other arrangements may also be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the bonds. The contracts or other arrangements shall contain whatever payment security, terms, and conditions as the Mayor may deem appropriate and shall be entered into with whatever party or parties the Mayor may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the bonds, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Mayor determines. Proceeds of the bonds and any money set aside and pledged to secure payment of the bonds or any contract or other arrangement entered into pursuant to this section may be pledged to, and used to service, any contract or other arrangement entered into pursuant to this section.

Sec. 8. Payment and security.

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(a) The full faith and credit of the District is pledged for the payment of the principal of and interest on the bonds as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of and interest on the bonds coming due for any reason in the fiscal year ending September 30, 1998, and the provisions of the applicable District of Columbia Appropriations Acts, relating to repayment of loans and interest, are supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act.

(c) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of and interest on the bonds becoming due and payable for any reason during that fiscal year.

(d) The Mayor shall, in the full exercise of the authority granted the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of and interest on the bonds are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(e) The bonds shall evidence continuing obligations of the District until paid in accordance with their terms.

(f) Any paying agent shall pay the principal of and interest on the bonds and may perform other ministerial responsibilities as specifically provided in its appointment as paying agent.

(g) Notwithstanding any contrary provision set forth in, and without regard to the requirements of, the Procurement Act and D.C. Code § 47-341 *et seq.*, the Mayor may from time to time enter into whatever contracts or agreements the Mayor may determine to be necessary or appropriate for the preparation, execution, issuance, sale, or delivery of, or security for, the bonds, including contracts or agreements for an escrow agent, underwriting, legal services, accounting, financial advisory services, bond insurance or other credit enhancement, printing, a registrar, a paying agent, letter or line of credit, or placement of an investment or obligation or program of investment. Any such contracts or agreements shall contain whatever terms and conditions as the Mayor may deem appropriate and shall be entered into with whatever party or parties the Mayor may select. Proceeds of the bonds may be pledged to and used to service any contract or agreement entered into pursuant to this section.

Sec. 9. Special tax; establishment of rates; collection.

(a) The Council determines that a special tax is necessary in conjunction with the authorization and issuance of the bonds and any additional bonds. Pursuant to section 481 of the Home Rule Act and notwithstanding the provisions of An Act making appropriations for the

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government of the District of Columbia and other activities chargeable in whole or in part against the Revenues of the District for the fiscal year ending June 30, 1923, and for other purposes, approved June 29, 1922 (42 Stat. 669; D.C. Code § 47-501 *et seq.*), there is levied by this section for each real property tax year in which bonds or additional bonds are outstanding, a special tax on the real property in the District subject to taxation, in amounts that will be sufficient to pay the principal of and interest on the bonds and additional bonds coming due in each year. This special tax is levied without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a special tax fund maintained separate from other funds of the District. The collection and custody of the special tax payment may be pursuant to an agreement with an agent for such purposes and the special tax fund may be maintained under an escrow agreement. When deposited, the moneys in the fund and all investment income or earnings on these monies shall be irrevocably dedicated and pledged to the payment of principal and interest on the bonds and any additional bonds. Any escrow agreement entered into by the Mayor providing for holding funds for the benefit of the holders of the bonds shall be maintained so long as any of the bonds are outstanding under this act.

(b) The District irrevocably pledges for and on behalf of the owners of the bonds as further security for the due and punctual payment of the principal and redemption price of, and interest on, the bonds as they shall become due and payable for any reason, all of its right, title, and interest now owned or later acquired in and to the revenue from the special tax levied by this section, whether to be received, or held at the time, by a collection agent, custodian, or escrow agent for the District, or by District officials. This pledge creates and grants a security interest as contemplated in section 467 of the Home Rule Act, subject to the terms, conditions, and limitations in this act, including the provisions of subsections (e) and (i) of this section and the provisions setting forth conditions and limitations applicable to the issuance of additional bonds secured, equally and ratably with the bonds, by a pledge of and security interest in the special tax revenue.

(c) The security interest in special tax revenue created by this section shall be valid, binding, and perfected from the time of the delivery of the first bonds issued pursuant to this act with or without the physical delivery of any special tax revenue and with or without any further action. The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The pledge and lien created by the security interest shall be valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not the individual or legal entity has notice of the pledge and lien.

(d) If the District pays or makes provisions to pay to the owners of all bonds and additional bonds the principal or redemption price, if any, and the interest due or to become due, at the time and in the manner stipulated, then the security interest in the special tax revenue created under this section shall be terminated.

(e)(1) In any real property tax year, if the amount expected to be on deposit in the special tax fund on the 1st day of the next succeeding real property tax year exceeds the greater of the earnings on the special tax fund for the current real property tax year or 1/12th of the amount the Mayor certifies as required to pay the principal of and interest on the bonds and any additional bonds coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District or the use of that excess amount to purchase for cancellation outstanding debt. That excess amount shall be released from the lien on and security interest in the special tax revenue created under this section.

(2) On or before the date upon which the Mayor is required by law to submit to the Council proposed real property tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall certify to the Council the amount required in that real property tax year to pay the principal of and interest on the bonds and any additional bonds coming due for any reason during that real property tax year. The amount certified, less any funds then on deposit in the special tax fund after application of paragraph (1) of this subsection, shall be called the special tax requirement.

(f) On or before the date upon which the Mayor is required by law to submit to the Council proposed tax rates for a real property tax year of the District (but in no event later than the first day of that real property tax year), the Mayor shall calculate and submit to the Council proposed real property special tax rates to be applied during the real property tax year to all real property subject to taxation in the District. The real property special tax rates shall be calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section.

(g) The Council, in the same manner as provided for the establishment of other real property tax rates, shall by act establish real property special tax rates for the real property tax year calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section. If the Council fails to enact special real property tax rates for the real property tax year within the time provided by law, the real property special tax rates submitted by the Mayor pursuant to subsection (f) of this section shall be the real property special tax rates to be applied during that real property tax year.

(h) Real property special tax rates shall be collected in the same manner as other District real property taxes, and the Mayor shall promptly deposit in the special tax fund all real property special taxes collected, including collection through a collection agent and deposit under an escrow agreement as may be entered into by the Mayor. If the law of the District relating to the levy or collection of real property taxes or the calculation or establishment of real property tax rates is changed in a manner that renders any of the provisions of subsections (e) through (h) of this section incapable of performance in accordance with their respective terms, the Mayor and the Council shall take actions that result in the collection of real property special taxes, in the same manner as other District real property taxes, in the amounts required by this section.

(i) The District and the Mayor reserve the right to satisfy all or a portion of the special

tax requirement by setting aside and depositing into the special tax fund at any time any funds of the District not otherwise legally committed, which shall irrevocably dedicate and pledge those deposits to the payment of principal of and interest on the bonds and additional bonds then outstanding. To the extent that all or a portion of the special tax requirement is satisfied by those deposits, then an equal amount of real property special tax revenue subsequently collected shall be released from the lien on and the security interest in the special tax revenue created under this section and shall be paid to reimburse the General Fund or other fund of the District from which the other funds were received, and any other funds so deposited in lieu of a portion of the special tax revenues shall be subject to the pledge and security interest under this act as if they were special tax revenues.

(j) The Mayor shall provide for the payment of the principal and interest on the bonds, as they may become due and payable for any reason, by transferring funds on deposit in the special tax fund to the paying agent to the extent required pursuant to the bond issuance certificate provided for in section 7.

Sec. 10. Payment to the General Fund for bonds issued for enterprise purposes.

(a) The Council determines that the bonds issued to finance enterprise capital projects or to refinance outstanding debt incurred for enterprise purposes shall, for all accounting and financial reporting purposes, be recorded as self-supporting debt of the appropriate enterprise fund of the District.

(b) Any enterprise fund of the District in respect of which bonds have been issued shall, until the principal amount of funds from the bonds issued for enterprise purposes and the accrued interest on the funds has been fully repaid, pay to the General Fund of the District in each fiscal year an amount equal to the amount of principal and interest on the bonds so specified on the bond issuance certificate for each fiscal year, and the obligation to pay the amounts shall continue until satisfied in full.

(c) Nothing in this section creates a pledge of or lien on any revenues or other assets of any enterprise fund of the District.

Sec. 11. General covenants.

(a) The following covenants are made by the District in connection with the authorization and issuance of the bonds:

(1) Pursuant to section 603(c) of the Home Rule Act, the Council shall not approve any budget that would result in expenditures being made by the District, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for that fiscal year, except as permitted by the FRMA Act. The Mayor shall not forward to the President for submission to Congress a budget that is not balanced according to the provisions of section 603(c) of the Home Rule Act, except as permitted by the FRMA Act.

(2) The District shall apply any excess of revenues over expenditures or expenses

in any fund for any fiscal year to the reduction of any accumulated deficit previously existing in that fund.

(3) The District shall prepare its annual financial statements in accordance with generally accepted accounting principles for state and local governments and cause its annual financial statements to be audited by an independent accountant.

(4) The District shall neither issue any general obligation bonds, other than bonds to refund any outstanding indebtedness, nor incur any indebtedness to the Treasury of the United States for capital projects in an amount that would cause the amount of debt service payable in any fiscal year on all the indebtedness, including all outstanding bonds and loans, to exceed any limitations set forth in the Home Rule Act at the time the additional bonds or indebtedness are issued or incurred.

(5) The District shall maintain the capital projects fund, separate from other funds of the District, into which it will deposit the proceeds of any bonds, other than bonds issued to refund outstanding debt, less any capitalized interest and accrued interest, and shall expend the proceeds only to finance capital projects and incidental costs as defined in section 103(8) of the Home Rule Act. The proceeds of the bonds may be escrowed in appropriate accounts with escrow agents or a trustee for the bonds to be applied to the applicable purposes. Interest or other investment earnings of proceeds in the capital projects fund shall be credited ratably to the General Fund and any enterprise fund of the District for which bonds were issued, subject to provisions for any deposit requirements to a rebate fund or other funds in accordance with agreements pertaining to the bonds.

(6) Notwithstanding any other provision of law, the Mayor shall take actions within his power that are necessary or appropriate, including but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then-current law, to enable the District to meet its general expenses through September 30 of the then-current fiscal year, including payment when due of all principal and interest on the bonds coming due in that fiscal year.

(b) The Mayor may, through a trust agreement or other instrument, make additional covenants of the District and agree to other provisions to better secure, administer funds for, and protect the bonds and the owners thereof.

Sec. 12. Events of default.

(a) Each of the following events constitutes an event of default:

(1) Failure to pay the principal of the bonds when the principal becomes due and payable at maturity, upon redemption, or otherwise;

(2) Failure to pay an installment of interest on the bonds upon the day when the interest becomes due; and

(3) Failure by the District to observe and perform any covenant, condition, agreement, or provision, other than as specified in paragraphs (1) and (2) of this subsection, contained in the bonds or in this act, but only if the failure continues for a period of 90 days after

transmittal to the District of written notice of failure.

(b) A bond owner who claims an event of default under subsection (a)(3) of this section shall provide to the registrar written notice specifying the failure and requesting that it be remedied. Upon verifying that the written notice has been transmitted by a bona fide bond owner, the registrar, if other than the District, shall transmit the written notice to the District. If the registrar is the District, the written notice shall be delivered directly to the Mayor. Transmittal to the District of the written notice required by subsection (a)(3) of this section may not be accomplished in any manner other than that set forth in this subsection. If there is a trust agreement or escrow agreement for the bonds, such notice by bond owners and notice to the District shall be given by, and to the persons designated in, or pursuant to such agreement.

Sec. 13. Remedies.

(a) Upon the occurrence and continuance of any event of default, any bond owner may:

(1) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bond owner and require the District to carry out any agreements with or for the benefit of the Bond owner and to perform its duties under this act;

(2) Bring suit upon the bonds; and

(3) By action or suit at law or in equity, enjoin any acts that may be unlawful or in violation of the rights of the bond owner.

(b) If any proceeding initiated by any bond owner to enforce any right under this act is discontinued or abandoned for any reason, the District and the bond owner shall be restored to their former positions and rights, and all rights, remedies, and powers of each of the parties shall continue as though the proceeding had not been initiated.

(c) If there is a trust agreement or escrow agreement for the bonds, actions under this act or such agreement, or on the bonds, shall be subject to applicable provisions in such agreement, notwithstanding other provisions in this act.

Sec. 14. District officials.

(a) The elected and 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 of the bonds.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature on the bonds shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to that official before delivery of the bonds.

Sec. 15. Defeasance.

(a) The bonds shall no longer be considered outstanding and unpaid for the purpose of this act and the requirements of this act shall be deemed discharged with respect to the bonds if the Mayor:

(1) Deposits with an escrow agent, which shall be a bank, trust company, or

national banking association with requisite trust powers, in a separate defeasance escrow account, established and maintained by the escrow agent solely at the expense of the District and held in trust for the bond owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of and interest on the bonds to be defeased; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or investments to the payment of the principal of and interest on the Bonds to be defeased as they become due and payable.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any law, except for this act.

(d) References in this section to "amounts due and payable" include, but are not limited to, amounts due and payable by reason of optional or mandatory redemption.

Sec. 16. Additional debt and other obligations.

Subject to the terms of any trust agreement or escrow agreement pertaining to the bonds, the District reserves the right at any time to borrow money or enter into other obligations to the full extent permitted by law, to secure the borrowings or obligations by the pledge of its full faith and credit, to secure the borrowings or other obligations by any other security and pledges of funds as may be authorized by law, and to issue bonds, including additional bonds, notes, or other instruments, to evidence the borrowings or obligations. Any act of the Council authorizing the issuance of additional bonds shall provide for an increase in the special tax requirement sufficient to pay principal of and interest on the additional bonds authorized.

Sec. 17. Tax status.

If and to the extent the bonds are issued on a tax-exempt basis, the Mayor shall not (i) take any action or omit to take any action, or (ii) invest, reinvest, or accumulate any moneys in a manner, that will cause the interest on the bonds to be includable in gross income for federal income tax purposes, or to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor shall take all actions necessary to be taken, including make any rebate payment, if any, when due so that the interest on the bonds will not be includable in gross income for federal income tax purposes or be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 18. Contract.

This act shall constitute a contract between the District and the owners of the bonds authorized by this act. To the extent that any acts or resolutions of the Council may be in

conflict with this act, this act shall be controlling.

Sec. 19. Authorized delegation of authority.

To the extent permitted by District and federal law, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 20. Maintenance of documents.

Copies of the specimen bonds and related documents shall be filed in the Office of the Secretary.

Sec. 21. Information reporting.

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

(b) The Mayor shall notify the Council, within 30 days, of any action taken under section 8(d) and (e).

(c)(1) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of bonds pursuant to this act shall include a statement as to:

(A) Whether the bonds of any series are intended to be sold by competitive bid or by negotiated sale and, if the bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interest of the District and a statement of the reasons supporting this determination; and

(B) Whether the bonds of any series are intended to be issued on a tax-exempt or taxable basis.

(2) If, after submission of the Mayor's letter of transmittal, there is a change in an intention required to be stated in the letter of transmittal, the Mayor shall notify the Council of the change and the reasons for the change. This notice shall be provided in writing and filed with the Secretary to the Council within 3 days of the change in intention.

(d)(1) No portion of the proceeds of the sale of bonds authorized by this act shall be used to compensate a District employee unless the employee actually performs duties related to the projects financed by this act.

(2) Within 30 days after the effective date of this act, and before any bonds are issued pursuant to this act, the Mayor shall submit to the Council a list of all District employees who are compensated in whole or part by capital improvement funds.

(e) With respect to a negotiated sale of bonds, underwriters shall provide written notification to the District in the following circumstances:

(1) Any relationship, during the prior 2 years, with the District's Bond Counsel or financial advisor which could create a conflict of interest or apparent conflict of interest with the duties performed, or to be performed, by either entity for the District;

ENROLLED ORIGINAL

(2) Any arrangement, during the prior 2 years, to share fees with other underwriters or individuals in connection with the provision of services to the District by either entity; and

(3) Any public finance transaction for any other issuer where the underwriter, or prospective underwriter, is serving, or has served in the prior 2 years, as financial advisor while the District's financial advisor was, or is, an underwriter.

Sec. 22. Severability.

As provided in the General Rule of Severability Adoption Act of 1983, effective March 14, 1984 (D.C. Law 5-56; D.C. Code § 49-601), if any provision of this act or the application of this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority of the Council, or otherwise invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 23. Fiscal impact statement.

(a) The debt service costs associated with issuing General Obligation Bonds, Series 1998A to fund Fiscal Year 1998 capital projects in the amount of approximately \$200 million, is already incorporated in the proposed Fiscal Year 1998 budget that is before Congress. As such, there is no additional fiscal impact associated with the passage of this act or the issuance of the bonds.

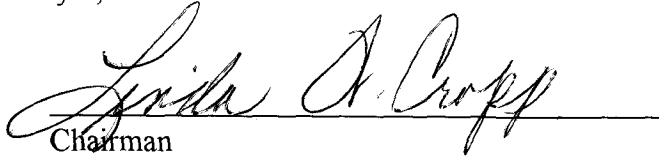
(b) Given the District's extensive capital improvement needs, a portion of which is to be funded through the issuance of the bonds, the fiscal impact of not enacting the this act would be an inability to fund these needs in Fiscal Year 1998, which include maintenance or acquisition of facilities or equipment for public safety and justice, the public education system, and public works, among other categories.

Sec. 24. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), provided, however, if an act of Congress provides for an earlier effective date for this act, this act shall take effect on that earlier date notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act and notwithstanding the publication provisions of section 202 of the District of Columbia Administrative Procedure Act,

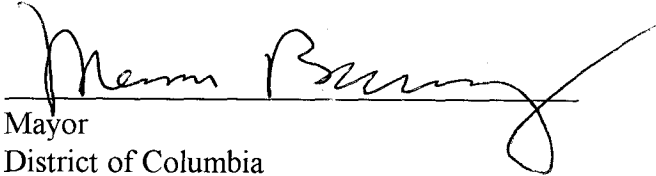
ENROLLED ORIGINAL

effective October 8, 1975 (D.C. Law 1-19; D.C. Code § 1-1602), or section 429 of the Rules of Organization and Procedure for the Council of the District of Columbia for Council Period XII, effective January 2, 1997.

A handwritten signature in cursive script, reading "Linda A. Cropp", written over a horizontal line.

Chairman

Council of the District of Columbia

A handwritten signature in cursive script, reading "Mervyn B. Felt", written over a horizontal line.

Mayor

District of Columbia

APPROVED: November 21, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. _____

B12-371

| | ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

ADOPTED FIRST READING, 10-21-97

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

ALL PRESENT

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Quip [Signature]
Secretary to the Council

November 7, 1997
Date

| | ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

ADOPTED FINAL READING, 11-4-97

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

JARVIS

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X-indicates Vote

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Quip [Signature]
Secretary to the Council

November 7, 1997
Date

| | ITEM ON CONSENT CALENDAR

| | ACTION & DATE

| | VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date