

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To authorize, on a temporary basis, the Mayor to enter into an agreement with the Boys and Girls Club of Greater Washington to acquire certain properties owned and operated by the Boys and Girls Club of Greater Washington, and to authorize an incentive payment for its headquarters relocation to the District; and to amend section 320 of the District of Columbia Procurement Practices Act of 1985 to exempt the agreement to operate the Boys and Girls Clubs for the remainder of the calendar year from competitive bidding requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009".

Sec. 2. (a) The Mayor is authorized to enter into an agreement with the Boys and Girls Club of Greater Washington ("BGCGW") ("agreement"), for the acquisition of the following real property:

- (1) Frank R. Jelleff Branch property;
- (2) Mary & Daniel Loughran Clubhouse # 10; and
- (3) Eastern Branch.

(b) The agreement shall provide that:

- (1) BGCGW and the District's obligations are contingent upon a payment to

BGCGW:

- (A) In the amount of \$7.5 million at settlement;
- (B) In the amount of \$3.125 million by October 1, 2010;
- (C) In the amount of \$3.125 million by October 1, 2011;
- (D) In the amount of \$3.125 million by October 1, 2012; and
- (E) In the amount of \$3.125 million by October 1, 2013;

(2) All income from leases and other revenue attributable to the properties after the date of closing shall accrue to the District; and

(3) The properties shall be accepted in "as is" condition at closing.

(c) The agreement shall contain such other terms and conditions as the Mayor determines to be in the best interest of the District of Columbia.

Sec. 3. (a) The Mayor is authorized to contract with BGCGW for the operation of a summer camp during the summer of 2009 and for continued after-school programming through the closing on the sale of the Frank R. Jelleff Branch property, but no later than December 31, 2009, for which the District shall pay BGCGW \$60,000 before July 1, 2009, and \$20,000 before the end of 2009.

(b) The Mayor is authorized to contract with BGCGW to open and operate the Mary & Daniel Loughran Clubhouse #10 from 4 p.m., to 10 p.m., through the summer of 2009, to provide teen recreation opportunities and a summer day camp for children from 6 through 12 years of age, for which BGCGW will receive \$33,000 before July 1, 2009. The Mayor shall negotiate with BGCGW to continue providing its customary and usual program operations through closing, but no later than December 31, 2009.

(c)(1) The Mayor is authorized to contract with BGCGW to provide transportation for up to 26 youths currently served at Hopkins Branch and Hopkins Branch's current Branch Director to BGCGW summer camp at the Richard England Clubhouse #14. BGCGW shall use its best efforts to identify adequate space at Hopkins Branch to provide programming in its 5 core programming areas, to serve at least 45 youths on a daily basis.

(2) For fiscal year 2010, the District shall pay up to 50% of the budget for programming at Hopkins Branch, if the District of Columbia Housing Authority identifies adequate space in reasonably close proximity to the existing facility, in an amount not to exceed \$121,000 for the operations during fiscal year 2010.

(d)(1) Within 60 days after execution of the agreement, the Mayor shall enter into discussions with BGCGW as to the terms and conditions for BGCGW to continue to provide programs and services at Frank R. Jelleff Branch, the Mary & Daniel Loughran Clubhouse #10, and Eastern Branch prior to completion of the sale. BGCGW shall competitively bid for the operation of programs as soon as practicable following the sale.

(2) The Mayor shall encourage BGCGW to explore options to re-establish programs at the Eastern Branch prior to the transfer of ownership to the District of Columbia, contingent upon obtaining a valid certificate of occupancy for the Eastern Branch building.

(e) In addition to the operating funds described in subsections (a), (b), and (c) of this section, the District shall:

(1) Contract with BGCGW for the services identified in the fiscal year 2010 budget, approved on May 12, 2009, totaling \$450,000;

(2) Pay \$200,000 from funds identified in the fiscal year 2010 budget to BGCGW to assist BGCGW in making payments required under its lease at THEARC, located at 1901 Mississippi Avenue, S.E.; and

(3) Subject to the availability of funds, reimburse BGCGW up to \$150,000 for

the expenses associated with office renovations and other costs related to BGCGW's planned relocation of its headquarters operations and 25 employees from the current location in Silver Spring, Maryland to the Richard England Clubhouse #14, located at 4103 Benning Road, N.E., in the District.

Sec. 4. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 9, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (u) to read as follows:

Note,
§ 2-303.20

"(u) Nothing in this act shall affect the authority of the Mayor to enter into an agreement with the Boys and Girls Club of Greater Washington to provide the services described in section 3 of the Boys and Girls Club of Greater Washington Property Acquisition Emergency Act of 2009, passed on emergency basis on June 16, 2009 (Enrolled version of Bill 18-338) and of the Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009, passed on 2nd reading on June 30, 2009 (Enrolled version of Bill 18-339) .".

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) 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), 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. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia