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COUNCIL OF THE DISTRICT OF COLUMBIA

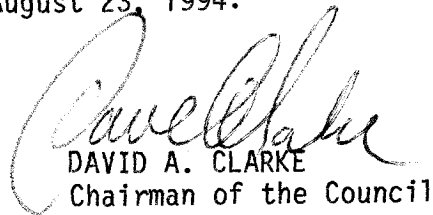
NOTICE

D.C. LAW 10-152

Omnibus Sports Consolidation Act of 1994".

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. 10-424 on first and second readings, May 3, 1994, and June 7, 1994, respectively. Following the signature of the Mayor on June 30, 1994, this legislation was assigned Act No. 10-265, and published in the July 15, 1994, edition of the D.C. Register (Vol.41 page 4636) and transmitted to Congress on July 12, 1994 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-152 effective August 23, 1994.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 12,13,14,15,18,19,20,21,22,25,26,27,28,29
August 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22

AN ACT

D.C. ACT 10-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA New Chapter 40,
Title 2

JUNE 30, 1994

To establish a Sports Commission to consolidate the District of Columbia's efforts in promoting, managing, and coordinating sporting events and entertainment, and to coordinate the development, construction, and improvement of sports and entertainment facilities and related infrastructure.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Omnibus Sports Consolidation Act of 1994".

Sec. 2. Declaration of policy.

(a) The Council of the District of Columbia hereby finds there is a need to combine in one entity the supervision and control of sporting, entertainment, and recreational activities in the District of Columbia, and hereby establishes a Sports Commission as a corporate instrumentality of the District for the purposes of:

(1) Promoting, developing, and maintaining the District as a location for hosting sporting and entertainment events;

(2) Planning, developing, financing and maintaining a comprehensive complex of sports, entertainment and recreation facilities in the District as locations for hosting sporting events; and

(3) Consolidating the District's efforts in promoting and managing sporting events and entertainment.

(b) In addition, an important goal for the Sports Commission is to encourage and support youth activities in the District by, among other ways, sponsoring sporting events for young athletes, attracting national collegiate championships to the District, supporting activities by the Department of Recreation and Parks and by providing disadvantaged youths with opportunities to attend sporting events.

(c) As the entity solely responsible for promoting sporting events in the District, the Sports Commission shall consolidate and adopt the non-military functions of the Armory Board, and the non-regulatory functions of the District of Columbia Commission on Baseball and the District of Columbia Boxing and Wrestling Commission; however, to facilitate the presentation of sporting events, the Sports Commission may act as a liaison between sports interests (such as promoters and professional collegiate league officials) and District regulatory authorities. With the exception of promoting sporting events, the District of Columbia Commission on Baseball and the District of Columbia Boxing and Wrestling

New
Section
2-4001

Commission shall continue to be responsible for their respective regulatory functions.

(d) The Council determines that such Sports Commission shall be given authority to generate funds from private and public sources to further the purposes of this act.

Sec. 3. Definitions.

For purposes of this act:

- (1) The term "bonds" means any bonds, notes, or other obligations issued by the Sports Commission pursuant to this act.
- (2) The term "Council" means the Council of the District of Columbia.
- (3) The term "facility" means:
 - (A) Any stadium or arena owned and operated by the District government and under direct control of the Sports Commission or any stadium or arena owned or financed by the Sports Commission in whole or in part;
 - (B) Any office used by a sports team or sports franchise, only if domiciled in a facility owned and operated by the District; and
 - (C) Any property subordinate or functionally related to a stadium or arena, including, but not limited to, :
 - (i) Parking lots;
 - (ii) Parking garages;
 - (iii) Practice facilities;
 - (iv) The District of Columbia National Guard Armory; and
 - (v) Other properties.
- (4) The term "Robert F. Kennedy Stadium" includes all property, facilities, equipment and appliances of any kind comprising the areas designated as A, B, C, D, or E on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District," prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated October 1986 (NPS drawing number 831/87284-A) and any other future additions thereto.

New
Section
2-4002

Sec. 4. Establishment of the District of Columbia Sports Commission.

There is established a District of Columbia Sports Commission. The Sports Commission is created as a corporate body and instrumentality of the District and is created for the purposes of:

- (1) Promoting the District as a location for holding sporting events which will enhance the District's economic development through, among other things, tourism, job opportunities, entertainment, business development and national and international exposure;
- (2) Providing community outreach and grassroots recreation for all residents of the District, especially children;
- (3) Coordinating the development, construction and implementation of new facilities and related infrastructure and the improvement of existing facilities in the District including issuing bonds, notes or other obligations to finance the acquisition, construction, rehabilitation or expansion of such facilities;

New
Section
2-4003

(4) Managing and maintaining facilities in the District which presently exist and which may hereafter be constructed by the Sports Commission or the District;

(5) Promoting and marketing sports events in the District and participation in such sports events, including, but not limited to, boxing, wrestling, martial arts, track and field, gymnastics, basketball and other matches, contests, exhibitions and showings, professional as well as amateur, of any kind or nature; and

(6) Owning and operating professional sports franchises in the District.

Sec. 5. Board members qualifications; terms of office; removal; compensation.

New
Section
2-4004

(a) The Sports Commission Board of Directors ("Board") shall consist of 11 members, 9 of whom shall be nominated by the Mayor, subject to the advice and consent of the Council, and the Commanding General of the District of Columbia National Guard and the Chief Financial Officer of the District, or any successor official with similar responsibilities, who shall serve as ex-officio members of the Board with full privileges of Board membership. The nomination of the 9 members shall be submitted to the Council for a 60-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination by resolution within this 60-day review period, the nomination shall be deemed approved. Members shall be residents of the District and shall include prominent business, civic and sports leaders. Representation on the Board shall include, but not be limited to, individuals with experience and understanding of the political, financial, and organizational structure of sports.

(b) Members of the board (other than ex-officio members) shall serve a 4-year term of office, with the exception that of the members first appointed, 2 members shall be appointed to a 1-year term of office, 2 members shall be appointed to a 2-year term of office, 2 members shall be appointed to a 3-year term of office, and 3 members shall be appointed to a 4-year term of office from the effective date of this act until December 31 of the applicable year.

(c) A vacancy on the Board shall be filled in the same manner that the original appointment was made. Any person appointed to fill a vacancy shall serve only for the unexpired term of the original appointment, but may be reappointed to one or more additional terms.

(d) A member of the Board, whose term has expired, may continue to serve until a new member is appointed. Members shall be eligible for reappointment.

(e) The Mayor may remove a member of the Board for incompetence, misconduct or neglect of duty or other cause, after notice to the member. Each member before assuming the duties of Board membership shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of such oaths shall be filed in the office of the Special Assistant to the Mayor for Boards and Commissions.

(f) The powers of the Sports Commission shall be vested in the Board. A majority of the Board, including members prohibited by section 11 from voting on certain matters, shall constitute a quorum. A quorum shall be necessary for the Board to conduct its business.

(g) The Board shall select a chairperson every 2 years from among its members.

(h) Members of the Board shall receive no compensation but may be reimbursed for actual expenses necessarily incurred in the performance of official duties in accordance with section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.8).

(i) The Board shall meet at least 4 times annually. All meetings of the Board shall be open to the public.

(j) The Board may nominate and select special advisors who shall advise the Sports Commission on matters relevant to the functions of the Sports Commission, although decision-making shall reside with the Board. The Board may also identify task forces as required. Task force members shall be composed of Board members, special advisors, and others interested in serving.

(k) Actions taken by the Board authorizing the issuance of bonds, notes, or other obligations shall require the affirmative vote of 7 members of the Board, one of whom must be the Chief Financial Officer of the District.

Sec. 6. Executive Director.

(a) The Mayor shall appoint an Executive Director who is the chief executive officer of the Sports Commission and who shall be subject to Council confirmation by resolution. The Executive Director shall be an employee of the Sports Commission but shall not be a member of the Board. The Executive Director shall serve at the pleasure of the Mayor and receive such compensation as shall be fixed by the Board. The Executive Director may be removed by the Mayor subject to consent of the Council by resolution.

(b) In addition to any other duties set forth in this act, the Executive Director shall:

(1) Direct and supervise the administration and management of the Sports Commission, and direct the affairs and activities of the Sports Commission, in accordance with policies, rules, and regulations of the Sports Commission;

(2) Be Secretary to the Board;

(3) Attend meetings of the Board and keep minutes of all proceedings of the Board;

(4) Approve all accounts for salaries, per diem payments and allowable expenses of the Sports Commission and its employees and consultants and approve all expenses incidental to the operation of the Sports Commission;

(5) Report and make recommendations to the Board on the merits and status of efforts of any proposed facility or sports events and present financial reports at each Board meeting;

(6) Hire such personnel as the Executive Director deems necessary to carry out the functions of the Sports Commission, subject to Board approval; and

(7) Perform such other duties as the Board may require to carry out the provisions of this act.

Sec. 7. Powers.

The Sports Commission shall have the power to:

New
Section
2-4005

New
Section
2-4006

Enrolled Original

- (1) Sue and be sued;
- (2) Adopt an official seal and alter it from time to time;
- (3) Make, amend, carry out and enforce any rule it deems necessary for and likely to be effective in governing the promotion and management of sporting events and facilities in the District;
- (4) Maintain an office at any location within the District that the Sports Commission may designate;
- (5) Make and alter bylaws for its organization and internal management and for the conduct of its affairs and businesses;
- (6) Acquire, hold, use and dispose of its income, revenues, funds and monies, including:
 - (A) Raise funds;
 - (B) Structure creative financing packages to enhance the likelihood of attracting sport events to the District, and in furtherance of the objectives set forth in this act;
 - (C) Charge source related user fees; and
 - (D) Collect and expend District tax revenues dedicated by the Council to, or derived from activities in, Facilities;
- (7) Borrow money and issue revenue bonds or other evidences of indebtedness and give security therefor regardless of whether the interest payable incident to such loans or revenue bonds or income derived by the holders of the evidence of such indebtedness or revenue bonds is for purposes of federal taxation, includable in the taxable income of the recipients of such payments or is otherwise not exempt from the imposition of taxation for the recipients;
- (8) Acquire, lease as lessee or lessor, hold, use and dispose of any real or personal property;
- (9) Enter into contracts and execute any instrument necessary or convenient to accomplish the purposes of the Sports Commission and this act;
- (10) Enter into agreements and joint venture arrangements with any local, state, regional or federal government agency where the agreements are intended or designed to further the purposes of this act;
- (11) Employ advisors, consultants and agents including, but not limited to, financial advisors, accountants and legal counsel, and fix their compensation;
- (12) Provide through its employees, or by the grant of one or more concessions, or in part through its employees and in part by the grant of one or more concessions, for the furnishing of services and things for the accommodation of persons admitted to or using its facilities or any part thereof;
- (13) Provide for the insurance of any property, operations, Board members, officers, agents, or employees of the Sports Commission against any risk or hazard and provide for the indemnification of its members, officers, employees, contractors, or agents against any and all risks;
- (14) Sell or dispense, upon obtaining a license from the Alcoholic Beverage Control Board, or to permit others to sell or dispense, upon obtaining a license from the Alcoholic Beverage Control Board, alcoholic beverages for consumption on the premises but only upon and within the territorial limits of the property of or under the management and control of the Sports Commission. The Sports Commission shall not have the power to sell or dispense alcoholic beverages in unbroken

packages for the purpose of permitting such unbroken packages to be carried off the premises. The Sports Commission shall determine and regulate by resolution, and it may amend from time to time, the conditions under which such sales or dispensing of alcoholic beverages for consumption on the premises shall be made or shall be permitted, including the hours and days during which the sale or dispensing of alcoholic beverages shall be made or shall be permitted; and

(15) Do any and all things necessary or convenient to carry out the purposes of this act and to exercise the powers expressly granted in this act.

Sec. 8. Power to develop, construct and maintain facilities.

(a) The Sports Commission shall have the power to:

(1) Construct new facilities in the District and maintain, manage and operate Robert F. Kennedy Stadium, the District of Columbia National Guard Armory, but only to the extent consistent with the non-military purposes of such Armory, and any other facility which the Sports Commission may construct, acquire, or own;

(2) Determine the location of, develop, establish, construct, erect, acquire, own, repair, remodel, add to, extend, improve, equip, operate, and maintain facilities to the extent the Sports Commission deems necessary to accomplish the purposes of this act;

(3) Enter into contracts pertaining to the use, construction, improvement, management, maintenance or operation of the facilities;

(4) Determine the use of facilities owned or operated by the Sports Commission;

(5) Fix and revise from time to time and charge and collect rates, rents, fees, or other charges for the use of facilities or for services rendered in connection with the use of the facilities;

(6) Establish standards for the rental or ownership of the facilities;

(7) Provide for the inspection of facilities and equipment;

(8) Acquire by purchase or lease, equipment, appliances, facilities and property of any kind the Sports Commission deems necessary or desirable to carry out the purposes of this section, and sell or dispose of any such property so acquired when in the judgment of the Sports Commission it shall be advantageous to do so, except that no contract of more than \$25,000 shall be entered into for the purpose of this paragraph without competitive bidding;

(9) Manage parking lots and concessions at facilities under the jurisdiction of the Sports Commission;

(10) Furnish such services to renters, lessees, and other occupants of facilities as in its judgment are necessary or suitable for carrying out the purposes of this act;

(11) Control facility advertising and promotion; and

(12) Adopt policies, rules and procedures governing its procurement of goods and services.

(b) Notwithstanding the foregoing, the Sports Commission shall not have the authority to delegate, assign, lease, or contract out for the management, operation, or maintenance of the Robert F. Kennedy Stadium except to an independent manager or management entity which is not directly or indirectly associated or connected with any tenant of the Robert F. Kennedy Stadium.

New
Section
2-4007

Enrolled Original

Sec. 9. Power to own and operate professional sports franchises.
The Sports Commission shall have the power to hold an ownership interest in, and operate, a professional sports team or team franchise on a temporary or permanent basis.

New
Section
2-4008

Sec. 10. Creation of fund, transfer of monies.
There is hereby created for the exclusive benefit of the Sports Commission a Sports Commission Fund. All monies other than funds designated for military purposes held by the Armory Board in the Starplex Fund and in the District of Columbia Commission on Baseball Fund on the effective date of this act shall be transferred immediately to the Sports Commission Fund to be used for any lawful purpose of the Sports Commission.

New
Section
2-4009

Sec. 11. Financial affairs.

(a) For the purposes of this section, the term "Sports Commission Funds" means all monies managed and all funds established pursuant to section 10.

New
Section
2-4010

(b) All monies of the Sports Commission, except as otherwise authorized in this act, shall be deposited as soon as practicable into one or more separate accounts in financial institutions regulated or insured by a federal or District agency. Monies in these accounts shall be paid out on checks signed by the Executive Director or other authorized officers or employees of the Sports Commission, as approved by the Board.

(c)(1) In connection with the exercise of its powers under this act, the Sports Commission may receive gifts, grants, appropriations, loans, bond proceeds, or other funds, property or other assets, or any other type of financial assistance from any federal, District, private, or other source and may utilize such funds as determined by rules issued by the Board. Such rules shall also govern the establishment of, administration of, and expenditure from, reserve funds. The source of such funds and the use thereof shall be a part of the annual reporting requirement of section 20.

(2) Notwithstanding the provisions of this section, the Sports Commission shall have power to contract with the holders of its bonds as to the custody, collection, security, investment, and payment of any monies of the Sports Commission and of any monies held in trust or otherwise for the payment of bonds. Monies held in trust pursuant to a contract with holders of bonds may be secured in the same manner as monies of the Sports Commission.

(3) The Sports Commission may set up one or more non-profit subsidiaries or utilize other nonprofit organizations to perform some of the functions of this act.

(4) Notwithstanding any other provision of District law and subject to agreements with holders of Sports Commission bonds, the Executive Director shall manage the Sports Commission's funds, and may invest funds not required for immediate disbursement in a manner the Executive Director determines prudent and in accordance with this act.

(5) The Sports Commission shall adhere to District law governing investment of funds in financial institutions.

(6) All debts and obligations of the Armory Board associated with the construction, operation, and maintenance of Robert F. Kennedy

Stadium and its motor vehicle parking areas shall become the debts and obligations of the Sports Commission.

Sec. 12. Delegation of bond and note issuance authority.

New
Section
2-4011

The Council hereby delegates to the Sports Commission the power of the Council under section 490 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 809; D.C. Code § 47-334) to issue revenue bonds, notes and other obligations to borrow money to finance, refinance or assist in the financing or refinancing of undertakings in the area of recreational facilities.

Sec. 13. Bonds; issuance; terms.

New
Section
2-4012

(a) The Sports Commission hereby is authorized from time to time to issue its bonds, notes, or other obligations in such principal amounts as, in the opinion of a two-thirds majority of the Board which majority must include the Chief Financial Officer, shall be necessary to provide sufficient funds for any of its purposes, including:

(1) To acquire, develop, construct, expand, or rehabilitate existing or new facilities to be (in whole or in part) owned, leased, financed, operated or maintained by the Sports Commission;

(2) To pay the principal of, or interest or redemption premiums on, any bonds issued by it, whether the bonds or interest to be funded or refunded have or have not become due;

(3) To establish or increase any reserve funds to secure or to pay such bonds or interest thereon; and

(4) To pay all other costs or expenses of the Sports Commission incident to the issuance of such bonds.

(b) Notwithstanding any other provision of law, including section 490(c) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 809; D.C. Code § 47-334(c)), the Sports Commission shall have the power and hereby is authorized to pledge tax revenue dedicated by the Council to, or derived from activities taking place in, Facilities to the payment of the principal of, interest or redemption premium on, any bonds issued by the Sports Commission.

(c)(1) Taxes collected by the Sports Commission from activities in facilities shall be deposited in the Sports Commission Fund and pledged only to the payment of Sports Commission bonds.

(2) Taxes collected by the Mayor from activities in facilities under the jurisdiction of the Sports Commission shall be deposited by the Mayor in the Sports Commission Fund, net of any refunds, and held in trust for benefit of holders of Sports Commission bonds. Such tax revenues shall not be commingled with any funds of the District including the General Fund. The Mayor shall act as an agent for the Sports Commission for purposes of collection and disbursement of the revenues for deposit in the Sports Commission Fund.

(3) Taxes collected by the Sports Commission and by the Mayor pursuant to this section shall be disbursed to the General Fund of the District within 30 days of the end of each fiscal year if such taxes are not required to pay debt service on Sports Commission bonds.

(d) Except as authorized in section 11, the principal and interest of Sports Commission bonds shall be payable solely from the property or

revenues of the Sports Commission from whatever source derived, including, without limitation:

- (1) Rents, rates, fees, charges, or other revenues payable to or any receipts of the Sports Commission, including amounts which are deposited pursuant to the act with a trustee for bondholders;
- (2) Payments by financial institutions, insurance companies, or others pursuant to letters of credit, lines of credit, policies of insurance, or purchase agreements;
- (3) Investment earnings from funds or accounts maintained pursuant to a Board resolution or trust agreement;
- (4) A pledge of any grant, subsidy or contribution from the United States of America or any agency or instrumentality thereof or the District, or any person, firm or corporation; and
- (5) Proceeds of refunding bonds.

(e) Bonds may be authorized by a resolution of the Sports Commission under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau, or agency of the District, and without any other proceedings or conditions not required by this act. Such resolution shall name the Chief Financial Officer of the District as the authorized delegate to execute all documents related to such bond financings or refinancings.

(f) The issuance and performance of bonds, notes, and other obligations by the Sports Commission as contemplated in this act and the adoption of resolutions authorizing such bonds, notes, and other obligations shall be done in compliance with the requirements of this act, but shall not be subject to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1500 *et seq.*). No notice (except as provided in this section), proceeding, consent, or approval shall be required for the issuance or performance of any bonds, note, or other obligation, of the Sports Commission or the execution of any instrument relating thereto or to the security therefore, except as provided in this act or in rules and regulations promulgated by the Sports Commission. Notice of the adoption of a bond resolution shall be given to the Mayor and the Council.

(g) The Sports Commission may stipulate by resolution the terms for sale of its bonds and notes in accordance with this act, including the following:

- (1) The date a note or bond bears;
- (2) The date a bond or note matures. Provided, that notes shall not mature later than 10 years from the date of original issuance and bonds shall not mature later than 50 years from the date of original issuance;
- (3) Whether bonds are issued as serial bonds, as term bonds, or a combination of the two;
- (4) The denomination;
- (5) Any interest rate or rates, or variable rate or rates changing from time to time, or premium or discount applicable;
- (6) The registration privileges;
- (7) The medium and method for payment; and
- (8) The terms of redemption.

Sec. 14. Public or private bond sale.

New
Section
2-4013

(a) The Sports Commission may sell its bonds at public or private sale and may determine the price for sale.

(b) A resolution authorizing the sale of bonds or notes may contain any of the following provisions listed below, in which case the provisions shall be a part of the contract with holders of the bonds or notes:

(1) The custody, security, expenditure or application of proceeds of the sale of bonds or notes of the Sports Commission (hereinafter "proceeds"), a pledge of the proceeds to secure payment, and the rank or priority of the pledge, subject to preexisting agreements with holders of bonds, or notes;

(2) A pledge of Sports Commission revenues to secure payment and the rank of priority of the pledge, subject to preexisting agreements with holders of bonds or notes;

(3) A pledge of assets of the Sports Commission, including mortgages and obligations securing mortgages, the secure payment, and the rank or priority of the pledge, subject to preexisting agreements with holders of bonds or notes;

(4) The setting aside of debt service reserves, capitalized interest accounts, replacement or operating reserves, cost of issuance accounts and sinking funds, and the regulation, investment and disposition thereof;

(5) Use of gross income from any mortgages owned by the Sports Commission and payment of principal of mortgages owned by the Sports Commission;

(6) Use of reserves or sinking funds;

(7) Use of proceeds from the sale of bonds or notes and a pledge of proceeds to secure payment;

(8) Limitations on issuance of additional bonds or notes, including terms of issuance and security, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds, and the refunding of outstanding or other bonds or notes;

(9) Procedure for amendment or abrogation of a contract with holders of bonds or notes, the amount of bonds or notes, the holders of which must consent to the amendment, and the manner in which consent may be given;

(10) Vesting in a trustee property, power and duties, which may include the power and duties of a trustee appointed by holders of bonds or notes under this act;

(11) Limitation or abrogation of the right of holders of bonds or notes to appoint a trustee under this act;

(12) Defining the nature of default in the obligations of the Sports Commission to the holders of bonds or notes and providing the rights and remedies of holders in the event of default, including the right to appointment of a receiver, in accordance with the general laws of the District and this act;

(13) Providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(14) Any other provisions of like or different character which affect the security of holders of bonds or notes.

(c) A pledge of the Sports Commission is binding from the time it is made. Any funds or property pledged are subject to the lien of a pledge without physical delivery. The lien of a pledge is binding as

against parties having any tort, contract or other claim against the Sports Commission regardless of notice. Neither the resolution nor any other instrument creating a pledge need be recorded.

(d) The signature of any officer of the Sports Commission which appears on a bond or note remains valid if that person ceases to hold that office.

(e) Sports Commission bonds are payable in lawful money of the United States at a designated place in the District.

(f) Sports Commission bonds may be secured by a trust agreement between the Sports Commission and a corporate trustee having the powers within the District. Any resolution or trust agreement may contain provisions which shall be a part of the contract with the bondholders.

(g) Subject to preexisting agreements with the holders of bonds or notes, the Sports Commission may purchase its own bonds or notes which may be canceled. The price cannot exceed the following limits:

(1) If the bonds or notes are redeemable, the price cannot exceed the redemption price then applicable plus accrued interest to the next interest payment; or

(2) If the bonds or notes are not redeemable, the price cannot exceed the redemption price then applicable on the first date after the purchase upon which the bonds or notes become subject to redemption plus accrued interest to that date.

(h) No member of the Sports Commission nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of bonds.

(i) The Sports Commission may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of, or security for, its bonds.

(j) Sports Commission bonds are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions including savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control. The bonds are also securities which legally may be deposited with, and received by, public officers and public bodies of the District or any agency of the District for any purpose for which the deposit of bonds or other obligations of the District is authorized by law.

(1) A pledge by the Sports Commission of revenues and receipts as security for an issue of bonds shall be valid and binding from the time such pledge is made.

(2) The revenues and receipts pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Sports Commission, irrespective of whether the person has notice.

(3) No resolution, trust agreement, management agreement, financing statement, continuation statement, or other instrument adopted or entered into by the Sports Commission need be filed or recorded in any public record other than the records of the Sports Commission in

order to perfect the lien against third persons, regardless of any contrary provision of law.

(k) The Sports Commission may issue bonds to refund, advance refund, or refinance any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding or advance refunding bonds may be issued for purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default, or for paying the principal of, redemption premium, if any, and interest on bonds as they mature or are subject to redemption, and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(l) Bonds which are being paid or retired by issuance, sale, or delivery of bonds and bonds for which sufficient funds or securities have been deposited with the paying agent or trustee to provide for payment at maturity or earlier redemption of principal and interest thereon, and any redemption premium, as provided in the authorizing resolution, shall not be considered outstanding for the purposes of this paragraph.

(m) Sports Commission bonds shall not constitute an indebtedness of the District, a general obligation of the District, or a pledge of the full faith and credit of the District and shall not be secured by a pledge of Robert F. Kennedy Stadium or the ground lease therefore. Holders of Sports Commission bonds may not require the levy or imposition by the District of any taxes or, except as provided in this act or another District law, the application of any District revenues or funds to the payment of Sports Commission bonds. All bonds issued by the Sports Commission shall contain on their face a statement setting forth the above qualifications.

(n) The District pledges to and agrees with the holders of Sports Commission bonds issued pursuant to this act that the District will not limit or alter the rights and powers vested in the Sports Commission by this act so as to impair the terms of any contract made by the Sports Commission with such holders or in any way impair the rights and remedies of such holders until such bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The District pledges to and agrees with the holders of Sports Commission bonds issued pursuant to this act that the District will not limit or alter the basis on which District funds are to be allocated, deposited and paid to the Sports Commission as provided in this act, or the use of such funds, so as to impair the terms of any such contract. The Sports Commission is authorized to include these pledges and agreements of the District in any contract with the holders of bonds or notes issued pursuant to this section.

(o) Regardless of their form or character, Sports Commission bonds are negotiable instruments for all purposes of the Uniform Commercial Code of the District of Columbia, approved December 30, 1963 (77 Stat. 631; D.C. Code § 28:1-101 *et seq.*), subject only to the provisions of the bonds for registration.

(p) The bonds may be sold at not less than par value. If the proceeds of the bonds exceed the issue price, the excess shall be placed

in a fund created for the payment of the principal and interest of the bonds. Prior to the issuance of bond certificates, the Sports Commission may issue temporary bonds or interim certificates without coupons, of any denomination whatsoever, exchangeable for bond certificates when such bond certificates are available for delivery.

(q) Notwithstanding the provisions of this section, the Sports Commission shall not undertake any financing action or activity which, in the sole discretion of the Chief Financial Officer of the District, would have an adverse affect on the financial position or creditworthiness of the District.

(r) On a date to be set by the Mayor, the Sports Commission shall submit to the Mayor a budget, which shall be included in the annual or supplemental budget transmitted by the Mayor to the Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 798; D.C. Code § 47-301), covering all anticipated revenue, transfers, expenses, and capital outlays of the Sports Commission.

(s) The Sports Commission shall periodically submit to the Council information as to any outstanding revenue bonds, indebtedness, and the nature of the indebtedness.

Sec. 15. Tax exemption.

(a) The properties of the Sports Commission, both real and personal, are declared to be public properties used for the benefit and welfare of the citizens of the District, and not for purposes of private or corporate benefit and income. Such properties and the Sports Commission shall be exempt from all taxes and special assessments now or hereafter imposed by the District.

(b) Bonds issued by the Sports Commission, their transfer, and the interest thereon are exempt from all District taxation except estate, inheritance, and gift taxes.

Sec. 16. Conflicting relationships or interests.

(a) No members or employees of the Sports Commission shall be employed by, be an officer or director of, or have any ownership interest in, any corporation or entity which is a party to any agreement with the Sports Commission under this act. No monies of the Sports Commission shall be deposited in any financial institution in which a member or employee of the Sports Commission is an officer, director or holder of a substantial proprietary interest. No real estate to which a member or employee of the Sports Commission holds legal title or in which such person had any beneficial interest, including any interest in a land trust, shall be purchased by the Sports Commission or by a corporation or entity for a facility to be financed under this act. All members and employees of the Sports Commission shall file annually with the Sports Commission a record of all real estate in the District to which such person holds legal title or in which such person has any beneficial interest, including any interest in a land trust. In the event it is later disclosed that the Sports Commission has purchased real estate in which a member or employee had an interest, such purchase shall be voidable by the Sports Commission and the member or employee involved shall be disqualified from membership in or employment by the Sports Commission.

New
Section
2-4014;
Note,
Section
47-1803.2

New
Section
2-4015

(b) No member or employee of the Sports Commission shall in his or her own name or in the name of a nominee, be an officer, director, or hold an ownership interest in any person, association, trust, corporation, partnership, or other entity which is, in its own name or the name of a nominee, a party to a contract or agreement upon which the member, officer, agent, or employee may be called to act or vote.

(c) With respect to any direct or indirect interest, other than an interest prohibited in subsection (b) of this section, in a contract or agreement upon which the member, officer, agent or employee may be called upon to act or vote, a member of the Sports Commission or officer, agent or employee hereof shall disclose the same to the Secretary and such disclosure shall be in the minutes of the meeting of the Sports Commission prior to the taking of final action by the Sports Commission concerning such contract or agreement and shall so disclose the nature and extent of such interest and his or her acquisition thereof, which disclosures shall be publicly acknowledged by the Sports Commission and entered upon the minutes of the Sports Commission. If a member or employee of the Sports Commission holds such an interest, then he or she shall refrain from any further official involvement in regard to such contract or agreement, from voting on any matter pertaining to such contract or agreement and from communicating with other members of the Sports Commission or its officers, agents and employees concerning such contract or agreement. Notwithstanding any other provision of law, any contract or agreement entered into in conformity with this subsection shall not be void or invalid by reason of the interest described in this subsection, nor shall any person so disclosing the interest and refraining from further official involvement as provided in this subsection be guilty of an offense, be removed from office or be subject to any other penalty on account of such interest.

(d) Any contract or agreement made in violation of subsection (b) or (c) of this section shall be null and void and give rise to no action against the Sports Commission.

Sec. 17. Small business, District owned business, minority business and women's business set-aside contract goals and procedures.

The Sports Commission is authorized and directed to establish, prior to initiating any project after the effective date of this act, small business, District owned business, minority business and women's business set-aside contract goals and procedures.

New
Section
2-4016

Sec. 18. Employees of the Sports Commission.

Personnel hired by the Sports Commission are not employees of the District and shall be exempted from coverage under the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*). The Sports Commission shall develop its own personnel rules.

New
Section
2-4017

Sec. 19. Miscellaneous.

(a) The Sports Commission shall assume all non-military functions of the Armory Board as are set forth in An Act to establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 340; D.C. Code § 2-306).

Note
Sections
2-341
thru
2-344

(b) All references to the Armory Board in the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; D.C. Code § 2-321 *et seq.*), as amended, are hereinafter intended to be references to the Sports Commission unless the clear meaning requires otherwise.

Note
Sections
2-321
thru
2-330

(c) The provisions of this act are to be liberally construed so as to effectuate those powers which are specifically enumerated.

(d) If the Sports Commission is dissolved by repeal of this act, or ceases to exist for any reason, all of its assets, (including, but not limited to, cash, accounts receivable, reserve funds, real or personal property and contract and other rights) shall automatically be assigned to and become the property of the District.

Sec. 20. Annual report.

The Sports Commission shall file with the Mayor and the Council each year a financial statement relating to the activities and business of the Sports Commission during the preceding fiscal year certified as to accuracy by an independent auditor.

Note
Section
2-4003

Sec. 21. Conforming amendments.

(a) The District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; D.C. Code § 2-321 *et seq.*) is amended as follows:

- (1) Section 2 (D.C. Code § 2-321) is repealed.
- (2) Section 5 (D.C. Code § 2-324) is repealed.
- (3) Section 6 (D.C. Code § 2-325) is repealed.
- (4) Sections 8 through 10 (D.C. Code §§ 2-327 through 2-329)

are repealed.

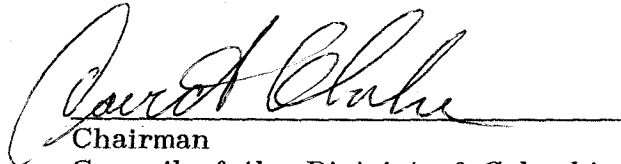
Section
2-321
Section
2-324
Section
2-325
Sections
2-327
thru
2-329
Sections
2-341,
2-342

(b) Sections 2 and 3 of the Robert F. Kennedy Memorial Stadium and District of Columbia National Guard Armory Public Safety Act, effective November 3, 1977 (D.C. Law 2-37; D.C. Code §§ 2-341 and 2-342) are repealed.

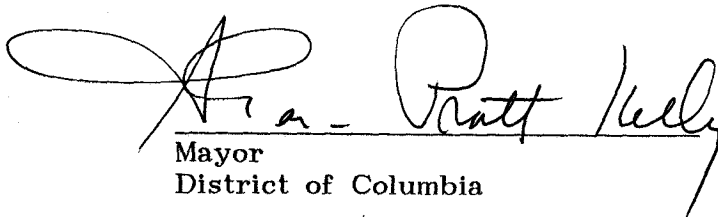
Sec. 22. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and

publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 30, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-424

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-3-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Jarvis and Thomas

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names and their voting status.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: June 15, 1994

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-7-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Chavous and Mason

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names and their voting status.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: June 15, 1994

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names and their voting status.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date