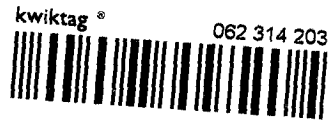


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

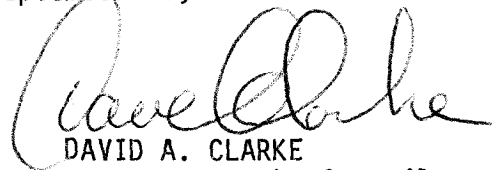
NOTICE

D.C. LAW 10-188

"Washington Convention Center Authority 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. 10-527 on first and second readings, July 5, 1994 and July 19, 1994, respectively. Following the signature of the Mayor on August 2, 1994, this legislation was assigned Act No. 10-314, and published in the August 12, 1994, edition of the D.C. Register (Vol.41 page 5333) and transmitted to Congress on August 3, 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 10-188 effective September 28, 1994.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26

September 12,13,14,15,16,19,20,21,22,23,26,27

AN ACT

District of Columbia Code

D.C. ACT 10-314

1995 Supplement

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 1994

New Chapter 7,
Title 9

To create a convention center authority to facilitate the construction of a new convention center, to delegate Council authority to issue bonds to the Authority, to dedicate certain District tax revenues to the Authority, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Act of 1994".

Title I - Declaration of Policy.

Sec. 101. The Council of the District of Columbia hereby finds and declares that:

New
Section
9-701

(1) The largest private sector economic impact in the District in terms of revenue and jobs is the convention and tourism industry.

(2) When the Existing Convention Center opened in 1983 with 381,000 total square feet, it ranked 4th in the nation in exhibition space.

(3) Since 1983, however, nearly every major city has expanded its convention center.

(4) The Existing Convention Center now ranks 30th in the country in exhibition space.

(5) In 1983, the Existing Convention Center could compete for 94% of the country's convention market.

(6) In 1993, given its current size, the Existing Convention Center can compete for only 54% of the country's convention market.

(7) The construction of a New Convention Center by 1997 would attract increased business from 48 national and international shows per year instead of the 28-show capacity of the Existing Convention Center.

(8) A New Convention Center would have a significant economic impact, directly and indirectly, on the District.

(9) Direct and indirect job benefits to the District as a result of a New Convention Center would be considerable.

(10) The creation of a Washington Convention Center Authority will enhance the financial viability of the New Convention Center.

(11) The New Convention Center will enhance the opportunities for economic development in the District.

(12) The New Convention Center should be located within an area bounded by 7th Street, N.W., N Street, N.W., 9th Street, N.W., and Mount Vernon Square, N.W. Additionally, the Mayor may evaluate other alternative sites in which to locate the New Convention Center. The Mayor should specifically evaluate 2 sites: the site bounded by New York Avenue, N.E., 1st Street, N.E., M Street, N.E., and the rail line to Florida Avenue; and the site located at the Anacostia Metro.

(13) In order to achieve continued maximum utilization of resources and efficiency of operations, both the Existing Convention Center and the New Convention Center should be operated as public enterprises.

(14) In order to ensure the fiscal soundness of both the Existing Convention Center and the New Convention Center and to accomplish the desirable social and economic benefits to the District, the granting of the powers conferred by this act is necessary and in the public interest.

Title II - General Provisions.

Sec. 201. Definitions.

For the purposes of this act, the term:

(1) "Bond" or "bonds" means any revenue bond, note, or other obligation (including refunding bonds, notes, or other obligations) used to borrow money to finance, assist in financing, or to refinance undertakings authorized by this act.

(2) "Chief Financial Officer" means the Deputy Mayor for Financial Management established pursuant to Mayor's Order 88-13, as amended, or any successor authorized by the Mayor to review, plan, coordinate, and supervise all financial management programs, policies, strategies, proposals, and budgetary functions of the District.

(3) "Costs" means any and all expenses including expenses for preconstruction and construction, acquisition, alteration, enlargement of furnishing, fixturing and equipping, reconstruction and rehabilitation of the New Convention Center, including without limitation, the purchase or lease expense for all lands, structures, real or personal property, rights, rights-of-way, roads, franchises, easements and interest acquired or used for, or in connection with the New Convention Center project, the cost of demolishing or removing buildings or structures on land so acquired, including the expenses incurred for acquiring any lands to which the buildings may be moved or located, the expenses incurred for all utility lines, structures or equipment charges, interest prior to, during and for a period as the Authority may reasonably determine to be necessary for the placing of the New Convention Center in operation, provisions for reserves for principal and interest for extensions, enlargements, additions and improvements, expenses incurred for architectural engineering, energy efficiency technology, design and consulting, financial and legal services, fees for letters of credit, bond insurance, debt service or debt service reserve insurance, surety bonds or similar credit enhancement instruments, plans, specification studies, surveys, estimates of expenses and of revenues, expenses necessary or incident to determining the feasibility of constructing the New Convention Center, the financing of such construction, development and acquisition

New
Section
9-702

of the project in operation including, without limitation, a proper allowance for contingencies and the provision of reasonable initial working capital for operating the New Convention Center.

(4) "Dedicated taxes" means those taxes imposed and surtaxes levied pursuant to sections 2(a)(4) and 3(a)(4) of the District of Columbia Income and Franchise Tax Act of 1947, section 125a of the District of Columbia Sales Tax Act, section 212a of the District of Columbia Use Tax Act, and section 106 of the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977, plus interest and penalties related thereto.

(5) "Existing Convention Center" means the convention center constructed pursuant to the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code § 9-601 *et seq.*), including any land and improvements appurtenant thereto.

(6) "New Convention Center" means a comprehensive international trade and exhibition center, to be constructed in one or more phases within an area designated pursuant to section 215.

Sec. 202. Establishment of the Washington Convention Center Authority; purpose of the Authority.

New
Section
9-703

(a) There is established, as an independent authority of the District government, the Washington Convention Center Authority ("Authority"). The Authority shall be a corporate body, created to effectuate certain public purposes, that has a legal existence separate from the District government.

(b) Notwithstanding any other provisions of this act, the general purpose of the Authority is to acquire, construct, equip, maintain, and operate the New Convention Center, in whole or in part, directly or under contract, and engage in other activities as it deems appropriate to promote trade shows and conventions, or other events, closely related to activities of the New Convention Center, and to maintain and operate the Existing Convention Center until such time as the New Convention Center is completed and opened for operation.

(c) The Authority shall create an energy-efficient New Convention Center suitable for multipurpose use for housing trade shows, conventions, cultural, political, musical, educational, entertainment, athletic, or other events, displaying exhibits and attractions, and promoting the historical, natural and recreational resources of the District, including all facilities necessary or convenient to that purpose, regardless of whether the facilities are contiguous, including the following: exhibit halls; auditoriums; theaters; restaurants and other facilities for the purveying of food, beverages, publications, souvenirs, novelties and goods and services of all kinds, whether operated or purveyed directly or indirectly through concessioners, licensees or lessees or otherwise; meeting room facilities and parking areas in connection therewith, including meeting rooms that provide for simultaneous translation capabilities for several languages; related lands, buildings, structures, fixtures, equipment, and personalty appurtenant or convenient to the foregoing; and extension, addition, and improvement of such facilities.

(d) The Authority shall designate the Program Manager or Program Management Consultant, required by section 204(g)(1), to serve as the

community liaison to act as a single point of contact to disseminate information to, and to receive comments from, the community.

Sec. 203. General powers of Authority.

New
Section
9-704

In addition to the general delegation of powers contained in section 209 and subject to the limitations contained in section 204, the Authority shall possess the following powers:

(1) To sue and be sued, including the power to bring actions, complaints, and implead in any judicial, administrative, arbitrational, or other action or proceeding and, to the extent permitted by law, to have actions brought against it, and to be impleaded and to defend in these proceedings;

(2) To have a seal and alter the seal at its pleasure;

(3) To make and alter by-laws, rules and regulations, not inconsistent with law, for the administration and regulation of its business and affairs;

(4) To elect, appoint, or hire officers, employees, or other agents of the Authority, including experts and fiscal agents, define their duties, and fix their compensation;

(5) To acquire, by purchase, gift, lease, or otherwise and to own, hold, improve, and use and to sell, convey, exchange, transfer, lease, sublease, and dispose of real and personal property of every kind and character, or any interest therein, for its corporate purposes;

(6) To issue regulations and establish policies for contracting and procurement, provided that these regulations and policies shall provide for the following:

(A) Submission of quarterly reports to the Council regarding the Authority's progress on issues related to local and minority contracting and the hiring of District residents; and

(B) Remedies (including but not limited to cease and desist orders) for noncompliance with any law or regulation contained herein including the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Code § 1-1161 *et seq.*), and the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1992, effective March 17, 1993 (D.C. Law 9-217; D.C. Code § 1-1152 *et seq.*), and all successor acts thereto;

(7) To accept loans or grants of money, materials, or property of any kind from the United States, or any agency or instrumentality thereof, or the District, upon terms and conditions as may be imposed upon the Authority to the extent that the terms and conditions are not inconsistent with the limitations and laws of the District and are otherwise within the powers of the Authority;

(8) To borrow money for any of its corporate purposes and to provide for the payment of the same, as may be permitted under the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 777; D.C. Code § 1-201 *passim*), and the laws of the District;

(9) To issue revenue bonds pursuant to section 210;

(10) To enter into contracts with the District, the United States, other public entities, and private entities to achieve its purposes;

(11) To exercise any power usually possessed by public enterprises or private corporations performing similar functions which is not in conflict with the District of Columbia Self-Government and

Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 777; D.C. Code § 1-201 *passim*), or the laws of the District;

(12) To sell or dispense, upon obtaining a license from the Alcoholic Beverage Control Board pursuant to section 10 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 324; D.C. Code § 25-110), 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 Authority. The Authority shall not have the power to sell or dispense alcoholic beverages in unbroken packages for the purpose of permitting the unbroken packages to be carried off the premises. The Authority shall determine and regulate by resolution the conditions under which the sales or dispensing of alcoholic beverages for consumption on the premises shall be made or shall be permitted; and

(13) To do all things necessary or convenient to carry out the powers expressly provided by this act.

Sec. 204. Limitations on Authority's powers.

(a) The Authority may not adopt an inducement resolution or a resolution authorizing a bond issuance, except for the purpose of refinancing, refunding, or reissuing bonds, unless the proposal has been submitted to the Council for a 30-day review period, excluding Saturdays, Sundays, holidays, and days of Council recess. If, during the 30-day review period, the Council does not adopt a resolution disapproving the submitted proposal, the Authority may take action to implement the proposal. In the event a proposal is disapproved, the Council shall state the reasons for disapproval in the disapproval resolution. The Authority may modify the proposal to address the concerns of the Council, and resubmit the proposal, as modified, for an additional 30-day review period excluding Saturdays, Sundays, holidays, and days of Council recess.

(b) Except as provided in section 213, no revenues collected on behalf of the Authority and transferred to or deposited in the Washington Convention Center Authority Fund established pursuant to section 208 shall be commingled with any funds of the District.

(c) With regard to the design of the New Convention Center:

(1) The Authority shall design and construct a New Convention Center to minimize the life cycle cost, and dependence on petroleum-based fuels of the facility by utilizing energy efficiency, water conservation, or solar or other renewable energy technologies.

(2) The Authority shall ensure that the design and construction of the New Convention Center shall employ state-of-the-art design, engineering, and technology to minimize energy consumption per-gross-square-foot to the extent that the payback period for capital costs incurred to reduce annual operating costs shall be less than 10 years.

(3) The Authority may assist the District in public street and alley improvements on, or adjacent to, frontages facing the New Convention Center. These improvements may include streetscape improvements, landscaping, street furniture, lighting, banners, sidewalks, curbs, or building facades.

New
Section
9-705

(d) The Authority shall in no way interfere with or attempt to acquire site control or ownership of the Existing Convention Center without submission of a resolution to the Council for its approval.

(e) In the event that the Authority constructs the New Convention Center below ground, the District shall retain ownership of up to 15% of the developed air rights, for the purpose of providing economic development opportunities for community development corporations engaged in neighborhood economic development, with the ability to become a joint-venture partner on commercial or residential development over the New Convention Center, provided that the sale or lease of the air rights is not needed to finance the New Convention Center.

(f) Any and all reasonable, necessary, and verified preconstruction costs for the New Convention Center that are borne by the District government shall be reimbursed by the Authority.

(g)(1) The Authority shall adopt an organizational approach for development of the New Convention Center whereby the Authority's staff, augmented by management and technical personnel of a Program Manager, or Program Management Consultant, will manage and oversee all activities during every phase of the development program. The Authority shall complete the New Convention Center construction project using any of the following contracting methods:

(A) When the plans and specifications and the guaranteed maximum price drawings for the New Convention Center are complete, the Authority shall issue a Request for a Proposal for a developer. On the basis of the submitted proposals, the Authority shall select the developer who shall complete the design and construct the New Convention Center for a guaranteed price by assembling the necessary team of designers, architects, developers, and others, and posting a performance bond, or obtaining other insurance, to insure that design and time requirements shall be met for the guaranteed price; or

(B) When the plans and specifications and the guaranteed maximum price drawings for the New Convention Center are complete, the Authority shall issue a Request for a Proposal for a construction manager that shall require proposals containing the construction-manager fee, the guaranteed maximum price of completing the design and constructing the New Convention Center, and sharing with the Authority any savings between total costs and the guaranteed maximum price. On the basis of the submitted proposals, the Authority shall select the construction manager who shall complete the design and construct the New Convention Center for a guaranteed price by assembling the necessary team of designers, architects, developers, and others, and posting a performance bond, or obtaining other insurance, to insure that design and time requirements shall be met for the guaranteed price.

(2) The Authority's contract with the developer or construction manager selected pursuant to paragraph (1) of this subsection shall require all developer and construction-manager contracts to comply with the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Code § 1-1161 *et seq.*), and the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprise Act of 1992, effective March 17, 1993 (D.C. Law 9-217; D.C. Code § 1-1152 *et seq.*), and all successor acts thereto.

(h) At least 51% of the Authority's employees shall be District residents. At least 51% of every contractor's employees hired after the

contractor enters into a contract with the Authority, or with the developer or construction manager, to work on projects of the Authority shall be District residents.

(i) The Authority's contract with the developer or construction manager selected pursuant to subsection (g)(1) of this section shall require the developer or construction manager to demonstrate that the developer or construction manager is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the project.

(j) All operating costs of the Existing Convention Center shall be the responsibility of the Authority after the effective date of this act.

(k) All land and improvements acquired by the Authority to construct the New Convention Center shall be held in the name of the Authority, except that title to the property shall not be transferred by the Authority to any person or entity other than the District government.

Sec. 205. Establishment of Board of Directors.

(a)(1) Except as provided in section 217(b), the Authority shall be governed by a Board of Directors ("Board") which shall be comprised of 9 members, 1 of whom shall be the Chief Financial Officer of the District and 1 of whom shall be the Director of the Office of Tourism and Promotions, both of whom shall serve as ex-officio, voting members of the Board.

(2) The 7 public Board members shall be appointed by the Mayor with the advice and consent of the Council by resolution.

(3) Of the 7 public Board members, 1 shall be from the hospitality industry, 1 shall be from organized labor, and the remaining 5 shall have proven expertise in municipal finance, business finance, economic development, construction, or tourism.

(b)(1) Of the 7 public Board members initially appointed to the Board, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and 1 shall serve a 1-year term. All subsequent terms shall be 4-year terms. No Board member shall serve more than 2 consecutive terms.

(2) A member of the Interim Board established pursuant to section 217(b) may serve as a Board member initially appointed to the Board for a term not to exceed 3 years and may not serve a subsequent consecutive term.

(c) The Mayor shall transmit resolutions for the appointments of the 7 public Board members to the Council within 30 days of the effective date of this act.

(d) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the Board member whose vacancy is being filled. If any Board member is appointed to fill an unexpired term with more than 2 years remaining in the term, upon expiration of the term, that Board member shall be deemed to have served a full 4-year term.

(e) The Mayor shall appoint a chairperson of the Board from among the 7 public Board members with the advice and consent of the Council by resolution.

(f) No more than 2 public Board members may be appointed from any 1 ward of the District.

New
Section
9-706

benefits. The personnel system shall be in place no later than 6 months after the effective date of this act. The personnel rules and regulations shall require that no employee shall engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts, or would appear to conflict, with the fair, impartial, and objective performance of the employee's assigned duties and responsibilities;

(5) Select, employ, and fix the compensation for, a General Manager to the Existing Convention Center and the New Convention Center and for the staff of the Board, as it deems necessary. All staff shall serve at the pleasure of the Board; and

(6) Delegate to the General Manager, by a majority vote of the Board, any authority granted to the Board under this subsection.

(b) The Board shall prepare and submit to the Mayor an operating budget for fiscal year 1995 and all subsequent fiscal years.

(1) For the purposes of this subsection, the term "operating budget" shall include only funds for personnel, show operations, travel, development, and Board expenses.

(2) For the purposes of this subsection, the term "operating budget" shall not include funds or payments relating to debt service, repairs, maintenance, or capital improvements.

(c) The Board shall submit the fiscal year 1995 operating budget as soon as practicable. The Board shall submit the fiscal year 1996 operating budget and all subsequent operating budgets for the Authority to the Mayor on the date that other District departments and agencies are required to submit their budgets to the Mayor.

(d) The Board shall include with its operating budget submission the following information:

(1) A list of any memoranda, agreements, and contracts in excess of \$25,000 which relate directly to personnel, show operations, travel, development, or Board expenses; and

(2) A financing plan for at least the next 5 years showing the following:

- (A) Projected income by source;
- (B) Projected operating expenditures by object class and program;
- (C) Capital expenditures and financing;
- (D) Balances and changes in reserves; and
- (E) Debt service coverage.

(e) The Board shall submit, within 120 days after the end of each District government fiscal year, to the Mayor, the Council, and the Auditor of the District of Columbia, a detailed annual report setting forth a description of the Authority's operations and accomplishments during the year, including an objective evaluation of the degree of success attained, including:

- (1) An analysis of event attendance;
- (2) Income and expenditures of the Authority during the year in accordance with sources and object classes established by the financial management system, budgeted, and audited actual;
- (3) Audited actual capital expenditures and financing;
- (4) Audited asset, liability, and fund equity balances at the end of the fiscal year;
- (5) An analysis of work force;

(g) Each Board member shall be a resident of the District or establish residency not later than 6 months after appointment to the Board. The Mayor shall remove any Board member for failure to establish or maintain residency or for misconduct or neglect of duty (as defined by the Board in its by-laws) after notice to the Board member.

(h) Should a Board member be indicted for the commission of a felony, the Board member shall be automatically suspended from serving on the Board. Upon a final determination of guilt or innocence, the term of the Board member shall, respectively, be automatically terminated or reinstated.

(i) The Board shall meet no less than once every 60 days and shall be subject to the provisions of section 742 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 831; D.C. Code § 1-1504).

(j) Five Board members shall constitute a quorum for the transaction of business, and an affirmative vote of a majority shall be necessary for any valid Board action. For purposes of issuing bonds, and adopting budgets and financial plans, the Chief Financial Officer of the District shall be a member of the majority. No vacancy in membership, except a vacancy of the Chief Financial Officer of the District, shall impair the right of a quorum to exercise all rights and perform all duties of the Board.

(k) Board members not otherwise compensated by the District shall be compensated at the rate equal to the daily equivalent of the highest step of a grade 15 of the District schedule established pursuant to 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.*), while engaged in the actual performance of Board duties not to exceed \$10,000 per annum. A Board member who is also an officer or employee of the District or the United States shall serve without compensation. Board members shall be reimbursed for all reasonable and necessary expenses incurred while engaged in official duties of the Board.

(l) The powers of the Board shall not be limited by any articles of incorporation or by-laws adopted by the Interim Board established pursuant to section 217(b).

Sec. 206. Duties of the Board.

(a) The Board shall have the following general duties:

(1) Adopt and publish internal operating rules for the conduct of Board meetings;

(2) Develop policies for the management, maintenance, and operation of the Existing Convention Center and the New Convention Center including concessions, vehicle parking facilities, or other related facilities;

(3) Adopt rules and regulations consistent with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*), governing the operation and use of the Existing Convention Center and the New Convention Center;

(4) Develop and establish a personnel system with rules and regulations setting forth minimum standards for all employees including pay, contract terms, vacations, leave, retirement, residency requirements, health and life insurance, employee disability and death

New
Section
9-707

(6) Recommendations as to the future management and operation of Authority; and

(7) Other information as shall be deemed pertinent by the Mayor, the Council, and the Auditor of the District of Columbia.

(f) The Board shall contract with the independent certified public accountant who annually audits the books and accounts of the District of Columbia to audit the books and accounts of the Authority and transmit the audit to the Mayor, the Council, and the Auditor of the District of Columbia within 120 days of the end of the District government fiscal year.

(g) The Board shall annually develop and adopt a multiyear financial plan no less than 90 days prior to the beginning of each fiscal year. The Board shall transmit the multiyear financial plan to the Mayor and Council within 10 days of its adoption. Each multiyear financial plan shall contain the following:

(1) A description of the Authority's revenues, expenditures, reserves, debt service, cash resources and uses, and capital-improvements expenditures and financing for at least the next 5 years;

(2) If the budget of the Authority for the upcoming fiscal year is not balanced, a statement of the means by which it will be brought into balance; and

(3) Any other matters that the Authority, the Mayor, or the Council deems relevant.

(h) The Board shall submit final financial requirements and a feasibility analysis for the construction of the New Convention Center to the Mayor and Council within 24 months of the effective date of this act.

(i) The Board shall carry comprehensive liability insurance sufficient to protect the Authority, the Board, the members, officers, and employees of the Board, and the lessees or occupants, and the District government against risks associated with the exercise by the Authority or the Board of any authority conferred by this act, provided, however, that no Board member shall be personally liable for any act or omission of the Authority except with regard to fraudulent or criminally prosecutable acts by any Board member in connection with an act or omission of the Authority.

Sec. 207. General Manager; appointment and duties.

(a) The Board, by majority vote, shall employ a General Manager to run the day-to-day affairs of the New Convention Center and Existing Convention Center.

(b) The General Manager shall perform the following duties and responsibilities:

(1) Assist in the preparation of the budgets and annual reports;

(2) Administer all operating policies, rules, and regulations adopted by the Board;

(3) Employ personnel;

(4) Promote and secure Existing Convention Center and New Convention Center bookings; and

(5) Perform such other duties as may be authorized by the Board for the effective and efficient management of the Existing Convention Center and the New Convention Center.

New
Section
9-708

(c) The termination of the General Manager shall require the concurrence of a majority of the Board.

Sec. 208. Washington Convention Center Authority Fund; transfer and pledge of revenues.

New
Section
9-709

(a) There is established the "Washington Convention Center Authority Fund" ("Fund") to be operated by the Authority.

(b) The monies in the Fund shall not be a part of, nor lapse into, the General Fund of the District, except as provided in section 213.

(c) As of the effective date of this act, any and all dedicated taxes collected by the Mayor as an agent for the Authority shall be transferred to the Fund on a monthly basis for the payment of all expenses necessary for debt service, reserve funds, repair, maintenance, issuance costs, and preconstruction costs, other expenses necessary or incident to determining the feasibility of constructing the New Convention Center, and all other costs of operating and managing the Authority.

(d) Any pledge by the Authority of any revenues on deposit in the Fund shall be effective, valid, and binding from the time the pledge is made. The pledged revenues, once deposited in the Fund, shall be immediately subject to the lien of the pledge, whether or not there has been any physical delivery. The lien of any pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against any person receiving the distribution of tax revenues, whether or not the parties have notice of the pledge. The bond resolution of the Authority by which the pledge of the proceeds of any taxes is created is not required to be filed or recorded.

(e) The District pledges to and agrees with the Authority and any holders of the bonds, notes or other obligations issued by the Authority and secured by the Fund that the District shall not limit, restrict, or in any way impair the collection, transfer, deposit, or disbursement of revenues in the Fund until the principal of, premium if any, and interest on the Authority debt has been paid and discharged.

(f) Except as provided in section 204(b), all assets and liabilities of the Washington Convention Center Enterprise Fund, established pursuant to section 6 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code § 9-605), shall be transferred to the Fund.

Sec. 209. Delegation of Council authority to issue bonds.

New
Section
9-710

(a) The Council delegates to the Authority 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 finance, refinance, or assist in the financing or refinancing of any undertakings of the New Convention Center pursuant to this act.

Sec. 210. Power of the Authority to issue bonds and notes.

New
Section
9-711

(a) Subject to the limitations in section 204, the Authority may at any time, and from time to time, issue bonds and notes or other obligations, by resolution, in one or more series to finance the New Convention Center. The resolution shall name the Chief Financial Officer of the District as the authorized delegate to execute all documents related to the bond financings or refinancings. In addition, the Authority may

issue notes to renew notes and bonds to pay notes, including the interest thereon. Whenever expedient, the Authority may refund bonds by the issuance of new bonds.

(b) Bonds of the Authority are obligations payable from revenues of the Authority from whatever source derived, including certain designated taxes, operations of the New Convention Center, lease payments, earnings on certain funds, and any other funds available to the Authority which may lawfully be used for these purposes.

(c) Regardless of their form or character, bonds of the Authority 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 and notes for registration.

(d) No official, employee, or agent of the Authority shall be held personally liable solely because a bond or note is issued.

(e) The issuance and performance of bonds, notes, and other obligations by the Authority 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 § 1-1501 *et seq.*).

(f) The Authority shall have the power to borrow money and to issue revenue bonds regardless of whether or not the interest payable by the Authority incident to such loans or revenue bonds or the income derived by the holders of the evidence of such indebtedness or revenue bonds is, for the purposes of federal taxation, includable in the taxable income of the recipients of these payments or is otherwise not exempt from the imposition of taxation on the recipients.

(g) The Authority shall have the power to contract with the holders of its notes or bonds as to the custody, collection, securing, investment, and payment of any monies of the Authority and of any monies held in trust or otherwise for the payment of notes or bonds.

Sec. 211. Terms for sale of bonds; additional bond and note provisions.

(a) The Authority may stipulate by resolution the terms for sale of its bonds 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 30 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.

(b) The Authority may sell its bonds at public or private sale and may determine the price for sale.

New
Section
9-712

(c) A resolution authorizing the sale of bonds may contain any of the following provisions, in which case these provisions shall be made part of the contract with holders of the bonds:

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

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

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

(4) The proposed use of gross income from any mortgages owned by the Authority and payment of principal of mortgages owned by the Authority;

(5) The proposed use of reserves or sinking funds;

(6) The proposed use of proceeds from the sale of bonds or notes and a pledge of proceeds to secure payment;

(7) Any limitations on the issuance of bonds or notes, including terms of issuance and security, and the refunding of outstanding or other bonds;

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

(9) Any vesting in a trustee property, power and duties, which may include the power and duties of a trustee appointed by holders of the bonds;

(10) Limitations or abrogations of the right of holders of the bonds to appoint a trustee;

(11) A defining of the nature of default in the obligations of the Authority to the holders of the bonds and providing the rights and remedies of holders of the bonds in the event of default, including the right to the appointment of a receiver, in accordance with the general laws of the District and this act; and

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

(d) A pledge of the Authority 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 Authority regardless of notice. Neither the resolution nor any other instrument creating a pledge need be recorded.

(e) The signature of any officer of the Authority which appears on a bond remains valid if that person ceases to hold office.

(f) The Authority may secure bonds by a trust indenture between the Authority and a corporate trustee which has trust company powers within the District.

(g) A trust indenture of the Authority may contain provisions for protecting and enforcing the rights and remedies of holders of the bonds

in accordance with the provisions of the resolution authorizing the sale of bonds.

(h) Subject to preexisting agreements with the holders of the bonds or notes, the Authority may purchase its own bonds which may then be cancelled. The price the Authority pays in purchasing its own bonds cannot exceed the following limits:

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

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

(i) The Authority may establish special or reserve funds in furtherance of its authority under this act. Notwithstanding subsections (a) and (b) of this section, section 213, and other applicable District law, and subject to agreements with holders of the bonds, the Authority shall manage its own funds, and may invest funds not required for disbursement in a manner the Authority determines to be prudent.

(j) The bonds of the Authority are legal instruments in which public officers and public bodies of the District, insurance companies, insurance company associations, and other persons carrying on an insurance business, banks, bankers, banking institutions including savings and loan associations, building and loan associations, trust companies, savings banks, savings 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.

(k) Obligations issued under the provisions of this act do not constitute an obligation of the District, but are payable solely from the revenues or assets of the Authority. Each obligation issued under this act must contain on its face a statement that the Authority is not obligated to pay principal or interest except from the revenues or assets pledged and that neither the faith and credit nor the taxing power of the District is pledged to the payment of the principal or interest on an obligation.

(l) Assets and income of the Authority shall be exempt from District taxation.

(m) Income from bonds issued by the Authority shall be exempt from District taxation except for estate and gift taxes.

Sec. 212. District pledges.

The District pledges to the Authority that the District will not limit or alter rights vested in the Authority to fulfill agreements made with holders of the bonds, or in any way impair the rights and remedies of the holders of the bonds until the bonds, together with the 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 the holders of the bonds are fully met and discharged. The

Authority is authorized to include this pledge of the District in any agreement with the holders of the bonds.

Sec. 213. Transfer of excess cash.

New
Section
9-714

(a) If, at the end of a fiscal year, the balance of cash and investments of the Authority exceeds the balance of current liabilities and reserves, the excess shall be transferred, in cash, to the general fund of the District.

(b) Except as provided in subsection (c) of this section, for the purposes of this section, the term "reserves" means:

(1) In the case of debt service reserves, a reserve of cash and investments equal to not more than the maximum annual debt service on outstanding bonds and notes issued by the Authority;

(2) In the case of an operating reserve, a reserve of cash and investments equal to not more than 1.5 times the annual operating expenditures; and

(3) In the case of a capital replacement reserve, a reserve of cash and investments equal to not more than 2.5% of the total capital cost for the New Convention Center, adjusted for inflation.

(c) If the Authority or the bond-rating agencies determine that any of the reserves must be higher than the levels calculated under subsection (b) of this section, the Authority must include the justification for the higher levels in the inducement resolution or the resolution authorizing a bond issuance submitted to the Council pursuant to section 204(a).

Sec. 214. District of Columbia repayment option.

New
Section
9-715

The District of Columbia retains the right to direct the Authority to purchase its own bonds and notes subject to the terms and conditions of section 211(h), for the purpose of dissolving or altering the Authority after such bonds and notes are cancelled or defeased.

Sec. 215. Location of New Convention Center.

New
Section
9-716

(a) The New Convention Center should be located within an area bounded by 7th Street, N.W., N Street, N.W., 9th Street, N.W., and Mount Vernon Square, N.W.

(b) The Mayor may evaluate and consider other alternative sites in which to locate the New Convention Center. The Mayor should specifically evaluate and consider 2 alternative sites: the site bounded by New York Avenue, N.E., 1st Street, N.E., M Street, N.E., and the rail line to Florida Avenue; and the site located at the Anacostia Metro.

(c) If the Mayor determines that the New Convention Center should be located at a site other than the site described in subsection (a) of this section, then the Mayor may designate the alternative site as the site for the New Convention Center with the advice and consent of the Council by resolution.

Sec. 216. Merit personnel system inapplicable.

New
Section
9-717

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.*), shall not apply to employees of the Authority.

Sec. 217. Transition provisions; establishment of Interim Board of Directors.

(a) Until the Board develops and establishes a personnel system pursuant to section 206(a)(4) and employs a General Manager pursuant to section 207(a), the personnel system developed and established pursuant to section 4(a)(4) of the Washington Convention Center Management Act, effective November 3, 1979 (D.C. Law 3-36; D.C. Code § 9-603(a)(4)), shall remain in effect.

(b)(1) There is established an Interim Board of Directors ("Interim Board") consisting of the 5 members of the Convention Center Board of Directors established pursuant to section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code § 9-602), to manage the affairs of the Authority until the Board established pursuant to section 205 convenes its first meeting.

(2) The Interim Board shall prepare and submit an operating budget pursuant to section 206(b) through (f).

(3) Upon the convening of the first meeting of the Board, the Interim Board shall dissolve.

Sec. 218. Establishment of Advisory Committee.

(a) There is established a Washington Convention Center Advisory Committee ("Committee").

(b) The membership on the Committee shall consist of 19 members to be appointed as follows:

(1) 3 members appointed by the Mayor from the community;

(2) 1 member appointed by ANC 2F;

(3) 1 member appointed by ANC 2C;

(4) The Chairman of the Council or the Chairman's representative;

(5) The Chairperson of the Council Committee on Economic Development or the Chairperson's representative;

(6) The Councilmember from Ward 2 or the Councilmember's representative;

(7) 2 appointees chosen by the Chairman of the Council;

(8) 2 appointees chosen by the Chairperson of the Council Committee on Economic Development;

(9) 4 appointees chosen by the Councilmember from Ward 2;

(10) 1 representative appointed by the local chapter of the American Institute of Architects;

(11) 1 representative appointed by the local chapter of the American Planning Association; and

(12) 1 representative appointed by the Metropolitan Washington Council, AFL-CIO.

(c) Members of the Committee should have expertise in architecture, urban design, economic development, planning, law, transportation, affirmative action, or local community issues.

(d) Members shall serve without compensation.

(e) Prior to adoption of a Request for Proposals for architectural, urban design planning, economic development planning consultants or contractors, or a build/design team or project/construction management team, the Authority shall consult with and receive comments from the Committee.

(f) The Committee shall advise the Authority with respect to the following:

(1) The development of design guidelines, ensuring that the New Convention Center design is consistent with the surrounding residential neighborhood, the L'Enfant Plan, and the historic preservation and significance of surrounding structures;

(2) The needs of the community, including providing retail uses to serve both the community and visitors to the New Convention Center, which are accessible to the community, providing adequate security in and around the New Convention Center;

(3) Parking issues, including providing adequate on-site parking for persons using and employed at the New Convention Center and preventing parking in the surrounding neighborhood by non-residents of that neighborhood;

(4) Transportation issues, including proposals for directing traffic to and from the New Convention Center away from the surrounding residential streets, providing a method of truck staging to minimize any adverse impact on the surrounding residential neighborhood, restricting the parking of trucks, trailers, and buses to the New Convention Center or other areas outside of the residential area surrounding the New Convention Center, closing of streets on the New Convention Center site, providing for adequate pull-off areas for taxicabs, buses, and hotel and other shuttles, and discouraging entrances and exits from being located on residential streets;

(5) Pedestrian movement issues, including locating entrances to the New Convention Center to facilitate the movement of pedestrians between the New Convention Center and the Mount Vernon Square Metro Rail Station, ensuring direct access to the Mount Vernon Square Metro Rail Station between M Street and 9th Street, N.W., and the New Convention Center.

(6) Economic development spin-off opportunities and needs for surrounding neighborhoods, including discouraging an over-concentration of street vendors;

(7) Economic development citywide;

(8) Participation by local, small, and disadvantaged businesses in all aspects of finance, construction, and operations;

(9) The development of environmental guidelines, including the mitigation of adverse noise and air quality impact, the adequacy of available public works infrastructure and utilities, and providing that the design and construction activities remain sensitive to residential needs of the neighboring historic districts, churches, and buildings; and

(10) Any other issues directly related to the building of the New Convention Center.

(g) The Committee shall advise the Authority until completion of construction, opening, and completion of the last phase of the New Convention Center, at which time it shall be dissolved.

Title III - Tax Amendments

Sec. 301. The District of Columbia Income and Franchise Tax Act of 1947 approved July 16, 1947 (61 Stat. 331; D.C. Code § 47-1801.1 *et seq.*), is amended as follows:

(a) Title VII is amended as follows:

Enrolled Original

- (1) Section 2(a) (D.C. Code § 47-1807.2(a)) is amended by adding a new paragraph (4) to read as follows: Section
47-1807.2
- "(4) A surtax, separate from and in addition to, the surtax imposed by paragraph (3) of this subsection, on the tax determined under paragraph (2) of this subsection at a rate of 2.5% for any tax period beginning on or after October 1, 1994."
- (2) A new section 2a is added to read as follows: New
Section
47-1807.2a
- "Sec. 2a. (a) The Mayor shall collect the surtax levied pursuant to section 2(a)(4), acting as agent on behalf of the Washington Convention Center Authority, and shall transfer the revenue from the surtax, on a monthly basis, to the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994.
- "(b) The Mayor may develop and apply a fixed formula to the taxes imposed pursuant to section 2(a)(2) and the surtax levied pursuant to section 2(a)(4) to determine the amount that shall be transferred to the Authority."
- (b) Title VIII is amended as follows:
- (1) Section 3(a) (D.C. Code § 47-1808.3(a)) is amended by adding a new paragraph (4) to read as follows: Section
47-1808.3
- "(4) A surtax, separate from and in addition to, the surtax imposed by paragraph (3) of this subsection, on the tax determined under paragraph (2) of this subsection at a rate of 2.5% for any tax period beginning on or after October 1, 1994."
- (2) A new section 3a is added to read as follows: New
Section
47-1808.3a
- "Sec. 3a. (a) The Mayor shall collect the surtax levied pursuant to section 3(a)(4), acting as agent on behalf of the Washington Convention Center Authority, and shall transfer the revenue from the surtax, on a monthly basis, to the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994.
- "(b) The Mayor may develop and apply a fixed formula to the taxes imposed pursuant to section 3(a)(2) and the surtax levied pursuant to section 3(a)(4) to determine the amount that shall be transferred to the Authority."
- Sec. 302. The District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code § 47-2001 *et seq.*), is amended as follows:
- (a) Section 125(2) (D.C. Code § 47-2002(2)) is amended by striking the number "11" and inserting the number "10.5" in its place. Section
47-2002
- (b) New sections 125a and 125b are added to read as follows: New
Section
47-2002.1
- "Sec. 125a. A tax, separate from, and in addition to, the tax imposed pursuant to section 125, is imposed on vendors engaging in the business activities listed in paragraphs (1) and (2) of this section for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as "retail sales" and "sale at retail" pursuant to section 114(a)). The rate of the tax shall be:
- "(1) 2.5 per centum of the gross receipts for the sale or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other

place in which rooms, lodgings, or accommodations are regularly furnished to transients; and

"(2) 1 per centum of the gross receipts from the sale or charges made for:

"(A) Food or drink prepared for immediate consumption, or sold as described in section 114(a)(1)(A);

"(B) Spiritous or malt liquors, beers, and wine sold for consumption on the premises where sold; or

"(C) Rental or leasing of rental vehicles and utility trailers as defined in section 2(8) and (9), respectively, of the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Code § 40-111(8) and (9)).

"Sec. 125b. (a) The Mayor shall collect the tax imposed pursuant to section 125a on behalf of the Washington Convention Center Authority and shall transfer the revenue from the tax to the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994.

New
Section
47-2002.2

"(b) The Mayor may develop and apply a fixed formula to the taxes imposed pursuant to sections 125 and 125a to determine the amount that shall be transferred to the Authority."

Sec. 303. The District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 124; D.C. Code § 47-2201 *et seq.*), is amended as follows:

(a) Section 212(2) (D.C. Code § 47-2202(2)) is amended by striking the number "11" and inserting the number "10.5" in its place.

Section
47-2202

(b) New sections 212a and 212b are added to read as follows:

"Sec. 212a. A tax, separate from, and in addition to, the taxes imposed pursuant to section 212 is imposed on the use, storage, or consumption of certain tangible personal property and services sold or purchased at retail sale in the District. Vendors engaging in the business activities listed in paragraphs (1) and (2) of this section and purchasers of the vendors' tangible personal property and services shall pay the tax at the following rate:

New
Section
47-2202.1

"(1) 2.5 per centum of the gross receipts for the sale or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients; and

"(2) 1 per centum of the gross receipts from the sale or charges made for:

"(A) Food or drink prepared for immediate consumption, or sold as described in section 114(a)(1)(A);

"(B) Spiritous or malt liquors, beers, and wine sold for consumption on the premises where sold; or

"(C) Rental or leasing of rental vehicles and utility trailers as defined in section 2(8) and (9), respectively, of the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Code § 40-111(8) and (9)).

"Sec. 212b. (a) The Mayor shall collect the tax imposed pursuant to section 212a on behalf of the Washington Convention Center Authority and shall transfer the revenue from the tax to the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994.

New
Section
47-2202.2

"(b) The Mayor may develop and apply a fixed formula to the taxes imposed pursuant to sections 212 and 212a to determine the amount that shall be transferred to the Authority."

Sec. 304. Section 106 of the Hotel Occupancy and Surtax on Corporations and Unincorporated Business Tax Act of 1977, effective March 16, 1978 (D.C. Law 2-58; D.C. Code § 47-3206), is amended to read as follows:

"Sec. 106. (a) An amount equal to 40% of the amount received from the tax imposed by this act shall be collected by the Mayor on behalf of the Washington Convention Center Authority and set aside and transferred on a monthly basis to the Washington Convention Center Authority Fund, established pursuant to section 208 of the Washington Convention Center Authority Act of 1994.

"(b)(1) An amount equal to 60% of the amount received from the tax imposed by this act shall be set aside and dispersed from the General Fund of the District for the purpose of promoting Washington Convention Center Authority activities and promoting conventions and tourism in the District of Columbia. The amount set aside and dispersed shall be further allocated and distributed as follows:

"(A) 50% to the Washington Convention and Visitors Association, provided that the Washington Convention and Visitors Association does not refer any business to any hotel outside the District until such time as all hotel rooms in the District are filled up;

"(B) 37.5% to the Mayor's Committee to Promote Washington; and

"(C) 12.5%, and any additional remaining percentage share, if any, to the Washington Convention Center Authority for advertising and promotion.

"(2)(A) The amount dispersed pursuant to paragraph (1) of this subsection shall be distributed quarterly, provided that the Washington Convention and Visitors Association and the Mayor's Committee to Promote Washington shall execute and comply with marketing, promotional, and sales contracts with the Authority and with the advice of the Office of Tourism and Promotions, established pursuant to Reorganization Plan No. 2 of 1992 Approval Resolution of 1992, effective October 1, 1992.

"(B) Where applicable, all contracts shall include information on general and specific responsibilities, pricing, financial reports and data, associated services, cooperative efforts with the Authority and the District, duration and termination of agreements, proprietary work product, notices and remedies."

Sec. 305. (a) On or before July 1 of each year, the District of Columbia Auditor, pursuant to the Auditor's duties under section 455(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 47-117(b)), shall audit the accounts and operations of the Authority and make a specific finding of the sufficiency of the projected revenues from the taxes imposed pursuant to sections 301, 302, 303, and 304 to meet the projected expenditures and reserve requirements of the Authority for the upcoming fiscal year.

Section 47-3206
47-1807.2
47-1807.2a
47-1808.3
47-1808.3a
47-2002
47-2002.1
47-2002.2
47-2202
47-2202.1
47-2202.2
47-3206

(b) If the audit conducted pursuant to subsection (a) of this section indicates that projected revenues from the taxes imposed pursuant to sections 301, 302, 303, and 304 are insufficient to meet projected expenditures and reserve requirements of the Authority for the upcoming fiscal year, the Mayor shall impose a surtax, to become effective on or before October 1 of the upcoming year, on each of those taxes dedicated to the Authority, excluding the tax on sales of restaurant meals and alcoholic beverages, in an amount equal to the pro rata share of the difference between (1) the sum of the projected expenditure and reserve requirements and (2) the projected revenues. The pro rata share shall be determined based on the pro rata estimated contribution of each tax to the total estimated tax revenue for the particular year as contained in the multiyear financial plan submitted pursuant to section 206(g).

Sec. 306. (a) Sections 301, 302 and 303 shall expire 2 years after the effective date of this act if the Board does not submit final financial requirements and a feasibility analysis to the Mayor and the Council as provided by section 206(h).

(b) Sections 301, 302, 303, and 304 shall apply as of October 1, 1994.

Title VI - Washington Convention Center Management Act Repealed.

Sec. 401. Washington Convention Center Management Act repealed.

All sections of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code § 9-601 *et seq.*), except for sections 3 and 4 (D.C. Code §§ 9-602 and 9-603), are repealed.

Title V - Home Rule Act Amendment.

Sec. 501. For the reasons declared in the Sense of the Council on Delegation of Revenue Bond Authority Resolution of 1994, effective May 20, 1994 (Res. 10-351; 41 DCR 2750), the Council requests that the United States Congress enact the following amendments to the District of Columbia Self-Government and Governmental Reorganization Act:

(a) Section 467(d) (D.C. Code, sec. 47-326.1(d)) is amended to read as follows:

"(d) The fourth sentence of section 446 shall not apply to any obligation or expenditure of any District revenues to secure any general obligation bond under subsection (a) of this section or any revenue bond or other obligation under subsection (a-1) of this section or for repair, maintenance, and capital improvements. Other operating obligations or expenditures shall not be exempt from the fourth sentence of section 446, except that if the operating obligations or expenditures are incurred prior to October 1, 1995, they shall be approved pursuant to the procedures set forth in section 453."

(b) Section 490(h)(3) (to be codified at D.C. Code, sec. 47-326.1(h)(3)) is amended to read as follows:

"(3)(A) The fourth sentence of section 446 shall not apply to --

(a) Note:
Sections
47-1807.2
47-1807.2a
47-1808.3
47-1808.3a
47-2002
47-2002.1
47-2002.2
47-2202
47-2202.1
47-2202.2
(b)
Codification
same as
Section 305
Sections
9-601,
9-604
through
9-610

"(i) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection,

"(ii) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued under paragraph (1) of this subsection,

"(iii) any amount obligated or expended to secure any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, and

"(iv) any amount obligated or expended for repair, maintenance, and capital improvements issued under paragraph (1) of this subsection.

"(B) Other operating obligations or expenditures shall be exempt from the fourth sentence of section 446, except that if the operating obligations or expenditures are incurred prior to October 1, 1995, they shall be approved pursuant to the procedures set fourth in section 453."

Title VI - Omnibus Sports Consolidation Act Amendments

Sec. 601. The Omnibus Sports Consolidation Act of 1994, signed by the Mayor on June 30, 1994 (D.C. Act 10-265; to be codified at D.C. Code § 2-4001 *et seq.*), is amended as follows:

Section
2-4004

(a) Section 5 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "the Commanding General of the District of Columbia National Guard" and inserting the phrase "a District government official designated by the Mayor" in its place.

(2) Subsection (g) is amended to read as follows:

"(g) The Mayor shall appoint a chairperson from among the public members with the advice and consent of the Council by resolution."

(3) Subsection (h) is amended to read as follows:

"(h) Members of the Board not otherwise compensated by the District shall be compensated at a rate equal to the daily equivalent of the highest step of a grade 15 of the District schedule established pursuant to 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.*), while engaged in the actual performance of Board duties, not to exceed \$10,000 per annum. A member of the Board who is also an officer or employee of the District or the United States shall serve without compensation. Members of the Board shall be reimbursed for all reasonable and necessary expenses incurred while engaged in official duties of the Commission."

(4) Subsection (i) is amended to read as follows:

"(i) The Board shall meet at least 4 times annually. All meetings of the Board shall be subject to the provisions of section 742 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 831; D.C. Code § 1-1504)."

Section
2-4005
Section
2-4007

(b) Section 6(a) is amended by striking the last sentence.

(c) Section 8(a) is amended as follows:

Enrolled Original

(1) Paragraph (8) is amended by striking the word "Acquire" and inserting the phrase "Except as provided in section 19(d), acquire" in its place.

(2) Paragraph (12) is amended by inserting the phrase ", notwithstanding 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.*)" after the word "services".

(d) Section 13(c) is amended to read as follows:

Section
2-4012

"(c)(1) As of the effective date of this act, any and all dedicated taxes collected by the Mayor as an agent for the Sports Commission shall be transferred to the Sports Commission Fund on a monthly basis for the payment of Sports Commission bonds. The Mayor shall act as an agent for the Sports Commission for purposes of collection and transfer of the revenues for deposit in the Sports Commission Fund.

"(2) No revenues collected on behalf of the Sports Commission and transferred to or deposited in the Sports Commission Fund shall be commingled with any funds of the District.

"(3) If, at the end of a fiscal year, tax revenues transferred to the Sports Commission Fund are not required to pay preconstruction costs for the arena and debt service and debt service reserves on Sports Commission bonds and capital replacement reserves, the excess shall be transferred, in cash, to the General Fund of the District."

(e) Section 14 is amended as follows:

Section
2-4013

(1) Subsection (n) is amended to read as follows:

"(n) The District pledges to the Sports Commission that the District will not limit or alter rights vested in the Sports Commission to fulfill agreements made with holders of the bonds, or in any way impair the rights and remedies of the holders of the bonds until the 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 the Sports Commission 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 agreement with bondholders. The Sports Commission is authorized to include these pledges of the District in any agreement with the holders of bonds or notes issued pursuant to this section."

(2) Subsection (r) is amended as follows:

(A) The existing language is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

"(2) Unless specifically exempted from the requirements of section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 801; D.C. Code § 47-305), no amount may be obligated or expended by the Sports Commission unless the amount has been approved in accordance with section 446."

(f) Section 17 is amended to read as follows:

Section
2-4016

"Sec. 17. Local, small, and disadvantaged business program.

"In contracting with developers or construction managers, the Sports Commission shall require that all developer and construction-manager contracts comply with the Equal Opportunity for

Local, Small, and Disadvantaged Business Enterprise Act of 1992, effective March 17, 1993 (D.C. Law 9-217; D.C. Code § 1-1152 *et seq.*), and all successor acts thereto."

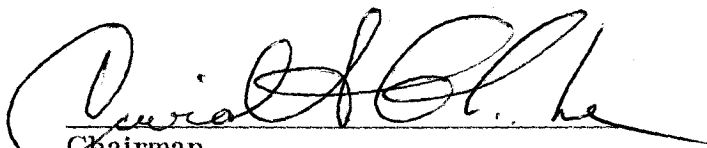
(g) Section 19 is amended by adding a new subsection (e) to read as follows:

Note,
Section
2-4003

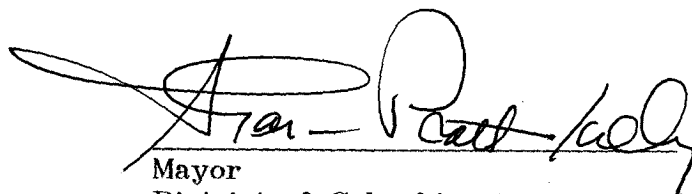
"(e) All land and improvements on the land acquired by the Sports Commission shall be held in the name of the Sports Commission except that title to the property shall not be transferred by the Sports Commission to any person or entity other than the District of Columbia government."

Title VII - Effective Date.

Sec. 701. 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: August 2, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-527

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-5-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Thomas

ROLL CALL VOTE - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 4 rows of member names: CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: July 22, 1994

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-19-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Brazil and Chavous

ROLL CALL VOTE - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 4 rows of member names: CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: July 22, 1994

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 4 rows of member names: CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council

Date