

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 10.
PARKS, PUBLIC BUILDINGS, GROUNDS,
AND SPACE.

CHAPTER 12.
WASHINGTON CONVENTION CENTER AUTHORITY.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 12. WASHINGTON CONVENTION CENTER
AUTHORITY.

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CHAPTER 12. WASHINGTON CONVENTION CENTER AUTHORITY.

SUBCHAPTER I. GENERAL PROVISIONS.

PART A. DECLARATION OF POLICY.

§ 10-1201.01. FINDINGS AND DECLARATIONS.[REPEALED]

(Sept. 28, 1994, D.C. Law 10-188, § 101, 41 DCR 533.; Mar. 3, 2010, D.C. Law 18-111, 2081(a), 57 DCR 181.)

PART B. GENERAL PROVISIONS.

§ 10-1202.01. DEFINITIONS.

For the purposes of this chapter, the term:

(1A) "Armory" means the District of Columbia National Guard Armory.

(1B) "Authority" means the Washington Convention and Sports Authority established pursuant to § 10-1202.02.

(1C) "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 chapter.

(2) "Chief Financial Officer" means the Chief Financial Officer established by § 1-204.24a(a).

(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 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 pursuant to §§ 47-2002.02 and 47-2202.01, plus interest and penalties related thereto.

(4A) "District sports and entertainment facility" means:

(A) Any stadium, arena, or recreation site owned, operated, or under the direct control of the Authority, including Robert F. Kennedy Memorial Stadium, the District of Columbia National Guard Armory, and the ballpark, as defined in § 47-2002.05(a)(1)(A).

(B) Any property subordinate, or functionally related, to any stadium, arena, or recreation site, including team offices domiciled in a District sports and entertainment facility, parking lots, parking garages, and practice facilities.

(5) "Existing convention center" means the convention center constructed pursuant to subchapter III of this chapter, including any land and improvements appurtenant thereto.

(6) "New convention center" means a comprehensive international trade and exhibition center, to be constructed in 1 or more phases within an area designated pursuant to § 10-1202.15.

(7) "New convention center hotel" means a hotel to be constructed on the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N. W.

(8) "Robert F. Kennedy Memorial 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.

(Sept. 28, 1994, D.C. Law 10-188, § 201, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(a), 45 DCR 4826; Sept. 19, 2006, D.C. Law 16-163, § 114(a), 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 3(a), 55 DCR 2527; Oct. 22, 2009, D.C. Law 18-78, § 2(a), 56 DCR 6959; Mar. 3, 2010, D.C. Law 18-111, § 2081(b), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-802.

Effect of Amendments

D.C. Law 16-163 added par. (7).

D.C. Law 17-144 rewrote par. (7) which had read as follows:

"(7) 'New convention center hotel' means a hotel to be constructed on the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W."

D.C. Law 18-78 rewrote par. (7), which had read as follows:

"(7) 'New convention center hotel' means a hotel to be constructed on the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N. W."

D.C. Law 18-111 redesignated par. (1) as par. (1C); added pars. (1A), (1B), (4A); and rewrote par. (2), which had read as follows:

"(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."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 114(a) of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 2(a) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

For temporary (90 day) amendment of section, see § 2081(b) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(b) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

Law 12-142, the "Washington Convention Center Authority Financing Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-379, which was referred to the Committee on Economic Development and the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 2, 1998, and June 16, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-402 and transmitted to both Houses of Congress for its review. The legislation became effective on August 12, 1998, the date that the President of the United States signed P.L. 105-227, which waived the 30-day Congressional review period for this law.

Law 16-163, the "New Convention Center Hotel Omnibus Financing and Development Act of 2006", was introduced in Council and assigned Bill No. 16-630 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on May 2, 2006, and June 6, 2006, respectively. Signed by the Mayor on June 27, 2006, it was assigned Act No. 16-409 and transmitted to both Houses of Congress for its review. D.C. Law 16-163 became effective on September 19, 2006.

Law 17-144, the "New Convention Center Hotel Omnibus Financing and Development Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-459 which was referred to the Committees on Economic Development and Finance and Revenue. The Bill was adopted on first and second readings on January 8, 2008, and February 5, 2008, respectively. Signed by the Mayor on February 25, 2008, it was assigned Act No. 17-310 and transmitted to both Houses of Congress for its review. D.C. Law 17-144 became effective on April 15, 2008.

Law 18-78, the "New Convention Center Hotel Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-310, which was referred to the Committees on Economic Development and Finance and Revenue. The bill was adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 12, 2009, it was assigned Act No. 18-185 and transmitted to both Houses of Congress for its review. D.C. Law 18-78 became effective on October 22, 2009.

For Law 18-111, see notes following § 10-303.

Effective Dates

Section 2 of Pub. L. 105-227, 112 Stat. 1515, provides that D.C. Law 12-142 shall take effect on August 12, 1998.

§ 10-1202.02. ESTABLISHMENT OF THE WASHINGTON CONVENTION CENTER AUTHORITY; PURPOSE OF THE AUTHORITY.

(a) There is established, as an independent authority of the District government, the Washington Convention and Sports 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 chapter, the general purposes of the Authority are to:

(1) Acquire, construct, equip, maintain, and operate the new convention center, in whole or in part, directly or under contract;

(2) Promote, develop, and maintain the District as a location for convention, trade shows, and other meetings;

(3) Engage in activities to promote trade shows, conventions, concerts, and other events related to activities at a facility of the Authority;

(4) Consolidate the District's efforts in promoting and managing sporting and entertainment events;

(5) Promote, develop, and maintain the District as a location for sporting events, sports teams, recreational events, film, television, and other motion picture productions, and entertainment events, directly or under contract;

(6) Develop, construct, and lease the ballpark in accordance with § 10-1601.05;

(7) Encourage and support youth activities in the District, including by sponsoring sporting events for young athletes, attracting national collegiate championships to the District, and providing disadvantaged youths with opportunities to attend sporting events;

(8) Exercise the non-military functions of the Armory Board and the Armory, including controlling the scheduling, rental, and promotion of the Armory and its adjacent facilities and leasing unused or vacant space in the Armory;

(9) Exercise the non-regulatory functions of the Boxing and Wrestling Commission, including all advertising, promotion, and attraction of boxing, wrestling, and mixed martial arts events; and

(10) Maintain and operate the old convention center site until such time as is considered appropriate by the Mayor.

(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 § 10-1202.04(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 related to the new convention center.

(Sept. 28, 1994, D.C. Law 10-188, § 202, 41 DCR 5333; Mar. 3, 2010, D.C. Law 18-111, § 2081(c), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-803.

Effect of Amendments

D.C. Law 18-111, in subsec. (a), substituted "Washington Convention and Sports Authority" for "Washington Convention Center Authority ('Authority)"; rewrote subsec. (b); and, in subsec. (d), substituted "community related to the new convention center" for "community". Prior to amendment, subsec. (b) read as follows:

"(b) Notwithstanding any other provisions of this chapter, 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."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(c) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 2083 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(c) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) addition, see § 2083 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For Law 18-111, see notes following § 10-303.

Miscellaneous Notes

Section 2083 of D.C. Law 18-111 provides:

"The Washington Convention Center Authority shall conduct an operating and financial analysis related to the merger with the District of Columbia Sports and Entertainment Commission ('DCSEC'), and deliver to the Council by not later than September 30, 2009, a report and plan that includes the following:

"(1) The costs associated with the merger;

"(2) Any liabilities and obligations of DCSEC assumed by the new Authority; and

"(3) A plan to reduce expenses and increase revenues associated with DCSEC programs."

§ 10-1202.02A. TRANSFER OF AUTHORITY OF THE ARMORY BOARD.

All references to the Armory Board in subchapter I of Chapter 3 of Title 3, are deemed to be references to the Authority, and the Authority shall have such powers and responsibilities as are created by such references to the Armory Board in subchapter I of Chapter 3 of Title 3 unless the clear meaning requires otherwise.

(Sept. 28, 1994, D.C. Law 10-188, § 202a, as added Mar. 3, 2010, D.C. Law 18-111, § 2081(d), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2081(d) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 2081(d) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 18-111, see notes following § 10-303.

§ 10-1202.02B. TRANSFER OF AUTHORITIES AND FUNCTIONS OF THE DISTRICT OF COLUMBIA SPORTS AND ENTERTAINMENT COMMISSION; ABOLISHMENT OF THE DISTRICT OF COLUMBIA SPORTS AND ENTERTAINMENT COMMISSION.

(a)(1) All authorities and functions of the District of Columbia Sports and Entertainment Commission, established pursuant to Chapter 14 of Title 3, are transferred to the Authority, except that the maintenance and operation of the Robert F. Kennedy Memorial Stadium and the nonmilitary section of the Armory shall be transferred to the Department of General Services.

(2) The Authority and the Department of General Services shall enter into a Memorandum of Agreement not later than 60 days before the beginning of each fiscal year that shall set forth the terms and conditions for the Office of Property management to maintain the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory, including the level of service and the procedures and timing for reimbursement to the Department of General Services for its maintenance and upkeep services at the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory.

(b) The District of Columbia Sports and Entertainment Commission is abolished.

(Sept. 28, 1994, D.C. Law 10-188, § 202b, as added Mar. 3, 2010, D.C. Law 18-111, § 2081(d), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 72(a), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 substituted "Department of General Services" for "Office of Property Management".

Emergency Act Amendments

For temporary (90 day) addition, see § 2081(d) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 2081(d) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 18-111, see notes following § 10-303.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1202.02C. TRANSFER OF ASSETS, RIGHTS, AND OBLIGATIONS OF THE DISTRICT OF COLUMBIA SPORTS AND ENTERTAINMENT COMMISSION.

(a)(1) Legal and equitable title to all real property, personal property, records, capital, and intangible assets of the District of Columbia Sports and Entertainment Commission shall transfer, vest, and be titled in the name of the Authority.

(2) All unexpended balances of appropriations, allocations, income, and other funds available to the District of Columbia Sports and Entertainment Commission shall transfer to the Authority and shall be deposited in the Sports and Entertainment Fund.

(3)(A) All lawful existing non-employment and non-employment-related contractual rights and obligations of the District of Columbia Sports and Entertainment Commission shall transfer to the Authority, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(B) Notwithstanding subparagraph (A) of this paragraph, the rights of the District of Columbia Sports and Entertainment Commission under section 8.4 of the Lease Agreement, dated March 6, 2006, between the District of Columbia Sports and Entertainment Commission and the Baseball Expos, L.P., as may be amended, shall be assigned 1/2 to the Mayor and 1/2 to the Council.

(4) No rights and obligations of employment or employment-related contracts of the District of Columbia Sports and Entertainment Commission, except for lawful rights and obligations of individual employment contracts, shall transfer to the Authority, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, and all causes of actions of the District of Columbia Sports and Entertainment Commission shall transfer to the Authority.

(b) No existing lawful contract or other lawful legal obligation of the District of Columbia Sports and Entertainment Commission transferred pursuant to subsection (a) of this section, shall be abrogated or impaired by the repeal of Chapter 14 of Title 3 or the superceding of Mayor's Order 79-218, dated September 14, 1979, except for any obligation of the District of Columbia Sports and Entertainment Commission to the District of Columbia related to personnel expenses.

(c) Other than with respect to the rights and obligations of employment and employment-related contracts of the District of Columbia Sports and Entertainment Commission not transferred pursuant to subsection (a)(4), nothing in § 10-1202.01 or § 10-1202.02 shall impair the obligations, commitments, pledges, or covenants, or the security made or provided by the District of Columbia Sports and Entertainment Commission; provided, that the liability of the Authority with respect to any such obligation, commitment, pledge, covenant, or security made or provided by the District of Columbia Sports and Entertainment Commission shall be limited to the assets and property of the District of Columbia Sports and Entertainment Commission transferred pursuant to this section and any income derived from such assets.

(Sept. 28, 1994, D.C. Law 10-188, § 202c, as added Mar. 3, 2010, D.C. Law 18-111, § 2081(d), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2081(d) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 2081(d) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 18-111, see notes following § 10-303.

§ 10-1202.03. GENERAL POWERS OF AUTHORITY.

In addition to the general delegation of powers contained in § 10-1202.09 and subject to the limitations contained in § 10-1202.04, 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, advisors, consultants, 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 subchapters VIII and X of Chapter 2 of Title 2, 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 Chapter 2 of Title 1, and the laws of the District;
- (9) To issue revenue bonds pursuant to § 10-1202.10;
- (10) To enter into contracts, joint ventures, or other agreements with the District, the United States,

- other public entities, and private entities to achieve its purposes;
- (10A) To maintain an office or offices at any location in the District;
- (10B) To establish standards for the use of and attendance at its facilities;
- (10C) To fix, revise, charge, and collect fees, rents, or other charges for the use of, or attendance at, its facilities and for services rendered in connection with the use of, or attendance at, its facilities;
- (10D) To manage parking lots, concessions, and other ancillary properties and services at facilities under its jurisdiction;
- (10E) To furnish such services to renters, lessees, and other occupants and users of its facilities as in its judgment is necessary or suitable for carrying out its purposes;
- (10F) To provide through its employees, or by the grant of one or more concessions, or both, for the furnishing of services and things for the accommodation of persons admitted to or using any of its facilities or portions of its facilities;
- (10G) To provide for the insurance of any property, operations, members of the Board of Directors, officers, agents, or employees of the Authority against any risk or hazard;
- (10H) To develop, construct, maintain, operate, acquire, own, equip, improve, rehabilitate, expand, and maintain convention, sports, entertainment, and recreation facilities in the District;
- (10I) To establish one or more nonprofit or for-profit subsidiaries to perform any of its functions under this chapter;
- (10J) To hold an ownership interest in, and operate, a professional sports team or team franchise on a temporary or permanent basis;
- (11) To exercise any power usually possessed by public enterprises or private corporations performing similar functions which is not in conflict with Chapter 2 of Title 1, or the laws of the District;
- (12) To sell or dispense, or to permit others to sell or dispense, 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, including the hours and days during which the sale or dispensing of alcoholic beverages shall be made or shall be permitted;
- (13) To do all things necessary or convenient to carry out the powers expressly provided by this chapter; and
- (14) Subject to Council approval by resolution, to enter into agreements or arrangements to limit interest rate risk, to facilitate the issuance of variable rate obligations or obligations with an effective variable rate and to better manage assets; the agreements or arrangements shall only be entered into in conjunction with the issuance of bonds, notes or other obligations by the Authority; and the Authority shall retain the right to discontinue or terminate any such agreement when in the reasonable opinion of the chief financial officer of the Authority it is in the best interest of the Authority.

(Sept. 28, 1994, D.C. Law 10-188, § 203, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(b), 45 DCR 4826; Mar. 3, 2010, D.C. Law 18-111, § 2081(e), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-804.

Effect of Amendments

D.C. Law 18-111, in par. (4), substituted "employees, advisors, consultants," for "employees,;" in par. (10), substituted "contracts, joint ventures, or other agreements" for "contracts"; added pars. (10A) to (10J); and rewrote par. (12), which had read as follows:

"(12) To sell or dispense, upon obtaining a license from the Alcoholic Beverage Control Board pursuant to Title 25, 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;".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(e) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(e) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

§ 10-1202.04. 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.

(a-1)(1) Notwithstanding the provisions of subsection (a) of this section, the Authority may, without submission to the Council, adopt inducement resolutions or resolutions authorizing the issuance of bonds and may issue bonds to:

(A) Acquire one or more parcels of real property within the new convention center hotel site; provided, that the Council has approved the contract for the purchase; and

(B) To pay certain costs of the development of the new convention center hotel.

(2) The bonds may be secured, in whole or in part, by:

(A) The tax increment financing note, and security provided therefor, issued pursuant to subchapter II of this chapter;

(B) A mortgage on real property; or

(C) Available revenues, assets, or other property of the Authority (including lease payments assigned to the Authority pursuant to § 10-1202.22), subject to preexisting agreements with holders of the bonds of the Authority.

(b) Except as provided in § 10-1202.13, no revenues collected on behalf of the Authority and transferred to or deposited in the Washington Convention Center Fund established pursuant to § 10-1202.08 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.

(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 subchapters VIII and X of Chapter 2 of Title 2, 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 September 28, 1994.

(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.

(l) The following shall apply to an agreement to implement the community development fund ("Fund"), as developed with input from many interested organizations, required by section IX of the Memorandum of Agreement By and Among the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Construction and Operation of the Washington Convention Center at the Mount Vernon Square/Shaw Site, dated September 12, 1997 ("MOU"):

(1) The Authority shall transfer the Fund to the Mayor for administration. The following requirements shall be included in the terms of any Invitation for Bids or Request for Proposals issued by the Mayor for the administration of the Fund:

(A) The money in the Fund shall be transferred directly from the Mayor to an established, successful community entity which has the organizational capacity to administer the funds. The money shall include all accrued interest in the Fund from the date of execution of the MOU;

(B) The entity shall be an organization which is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), before submitting a proposal;

(C) The entity shall establish that it currently provides funding for neighborhood revitalization activities in the region. The activities shall include assistance in the areas of affordable housing, homeownership assistance, business assistance, employment, and workforce training assistance;

(D) The entity shall be limited to spending levels established by the Mayor concerning overhead and salaries to ensure that substantially all of the money in the Fund passes through to the Shaw community; and

(E) The entity shall submit quarterly reports to the Mayor that, at a minimum, document the use and

disbursement of money in the Fund.

(2) The Mayor may audit and investigate the records of the entity receiving the money in the Fund to ensure that excessive expenses are not incurred for salaries or overhead and that no new organizations are created to manage money allocated from the Fund.

(3) The Mayor shall establish guidelines for the return of the money in the Fund remaining after the completion of the program, ensure that the entity follows generally accepted accounting principles, and ensure that the entity's accounting and financial management practices are sound.

(4) When an agreement has been reached between the Mayor and a community entity for administration of the Fund, the agreement shall be submitted to the Council for its review and affirmative approval by resolution.

(5) The Fund shall be maintained in a separate segregated interest-bearing account by the Mayor.

(Sept. 28, 1994, D.C. Law 10-188, § 204, 41 DCR 5333; Apr. 3, 2001, D.C. Law 13-255, § 2, 48 DCR 727; Sept. 19, 2006, D.C. Law 16-163, § 114(b), 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 3(b), 55 DCR 2527; Oct. 22, 2009, D.C. Law 18-78, § 2(b), 56 DCR 6959; Mar. 3, 2010, D.C. Law 18-111, § 2081(f), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-805.

Effect of Amendments

D.C. Law 13-255 added subsec. (l).

D.C. Law 17-144, in subsec. (a-1)(1)(B), deleted "and the expansion of the new convention center" following "hotel".

D.C. Law 18-78, in subsec. (a-1)(2)(C), substituted "property of the Authority (including lease payments assigned to the Authority pursuant to § 10-1202.22)" for "property of the Authority".

D.C. Law 18-111, in subsec. (b), substituted "Washington Convention Center Fund" for "Washington Convention Center Authority Fund".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 114(b) of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 2(b) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

For temporary (90 day) amendment of section, see § 2081(f) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(f) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

Law 13-255, the "Convention Center Authority Shaw Community Development Fund Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-680, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 22, 2000, it was assigned Act No. 13-542 and transmitted to both Houses of Congress for its review. D.C. Law 13-255 became effective on April 3, 2001.

For Law 16-163, see notes following § 10-1202.01.

For Law 17-144, see notes following § 10-1202.01.

For Law 18-78, see notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

Resolutions

Resolution 15-95, the "Shaw Community Development Fund Approval Resolution of 2003", was approved effective May 6, 2003.

Resolution 15-371, the "Transfer of Site Control of the Old Washington Convention Center Property to the Washington Convention Center Authority Approval Resolution of 2003", was approved effective December 16, 2003.

Washington Convention Center Authority Dedicated Tax Revenue Bond Resolution of 1998: Pursuant to Resolution 12-591, effective July 7, 1998, the Council approved the Washington Convention Center Authority's proposal for the issuance of Dedicated Tax Revenue Bonds to finance a New Convention Center and to authorize an increase in the capital replacement reserve and the operating reserve.

§ 10-1202.05. ESTABLISHMENT OF BOARD OF DIRECTORS.

(a)(1) The Authority shall be governed by a Board of Directors ("Board") which shall be comprised of 11 members, one of whom shall be the Chief Financial Officer of the District of Columbia and one of whom shall be designated by the Mayor, both of whom shall serve as ex-officio voting members of the Board.

(2) The 9 public Board members shall be appointed by the Mayor with the advice and consent of the Council by resolution, in accordance with § 1-523.01.

(3) Of the 9 public Board members, 1 shall be from the hotel industry, 1 shall be from the restaurant industry, 1 shall be from organized labor, and the remaining 6 shall have proven expertise in municipal finance, business finance, economic development, construction, sports, entertainment, or tourism.

(4) The members of the Board of Directors of the Washington Convention Center Authority serving on March 3, 2010, shall become members of the Board of Directors of the Washington Convention and Sports Authority and shall serve the remainder of their terms and may be reappointed to full terms as members of the Board of Directors of the Washington Convention and Sports Authority.

(5)(A) In addition to the members of the Board of Directors of the Washington Convention and Sports Authority serving pursuant to paragraph (4) of this subsection, the following 2 persons shall begin serving as public members on the Board of Directors of the Washington Convention and Sports Authority on March 3, 2010:

(i) The person who was serving as vice chairman of the District of Columbia Sports and Entertainment Commission Board of Directors on May 12, 2009; and

(ii) The President of the Hotel Association.

(B) The 2 public members appointed pursuant to this paragraph shall serve 4- year terms and may be reappointed.

(C) The wards of residence of the 2 public members appointed pursuant to this paragraph shall not be considered for the purposes of the restriction imposed by subsection (f) of this section.

(b)(1) All Board terms shall be 4-year terms; provided, the term of a public Board member who is serving in his or her second consecutive term on May 15, 2001, shall terminate on December 31, 2003.

(2) Repealed.

(c) Repealed.

(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 9 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.

(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 § 1-207.42.

(j) Six 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 with respect to the issuance of bonds and the adoption of budgets and financial plans, 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 shall serve without compensation, except that Board members may 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 § 10-1202.17.

(Sept. 28, 1994, D.C. Law 10-188, § 205, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(c), 45 DCR 4826; Oct. 1, 2002, D.C. Law 14-184, § 2, 49 DCR 6059; Oct. 19, 2002, D.C. Law 14-213, § 16, 49 DCR 8140; Mar. 30, 2004, D.C. Law 15-112, § 2, 51 DCR 1348; Mar. 3, 2010, D.C. Law 18-111, § 2081(g), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-806.

Effect of Amendments

D.C. Law 14-184, in subsec. (b)(1), substituted "terms, and no" for "terms. No", and inserted "; provided, the term of a public Board member who is serving in his or her second consecutive term on May 15, 2001, shall terminate on December 31, 2003" before the final period.

D.C. Law 14-213, in subsec. (a)(2), substituted "resolution, in accordance with § 1-523.01" for "resolution".

D.C. Law 15-112, in subsec. (b)(1), deleted ", and no Board member shall serve more than 2 consecutive terms" following "4 year terms".

D.C. Law 18-111 rewrote subsecs. (a), (j), and (k); and, in subsec. (e), substituted "9" for "7". Prior to amendment, subsecs. (a), (j), and (k) read as follows:

"(a)(1) The Authority shall be governed by a Board of Directors ('Board') which shall be comprised of 9 members, one of whom shall be the Chief Financial Officer of the District of Columbia and one of whom shall be designated by the Mayor, 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, in accordance with § 1-523.01.

"(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."

"(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 Chapter 6 of Title 1, 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."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Authority Oversight and Management Continuity Temporary Amendment Act of 2001 (D.C. Law 14-90, March 19, 2002, law notification 49 DCR 2995).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Authority Oversight and Management Continuity Temporary Amendment Act of 2002 (D.C. Law 14-119, May 2, 2002, law notification 49 DCR 4394).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Authority Term Limit Temporary Amendment Act of 2003 (D.C. Law 15-92, March 10, 2004, law notification 51 DCR 3612).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Oversight and Management Continuity Emergency Amendment Act of 2001 (D.C. Act 14-189, November 29, 2001, 48 DCR 11216).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Oversight and Management Continuity Emergency Amendment Act of 2002 (D.C. Act 14-228, January 14, 2002, 49 DCR 690).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Oversight and Management Continuity Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-344,

April 24, 2002, 49 DCR 4298).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Term Limit Emergency Amendment Act of 2003 (D.C. Act 15-224, November 25, 2003, 50 DCR 10703).

For temporary (90 day) amendment of section, see § 2081(g) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(g) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

Law 14-184, the "Washington Convention Center Authority Oversight and Management Continuity Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-521, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on June 21, 2002, it was assigned Act No. 14-384 and transmitted to both Houses of Congress for its review. D.C. Law 14-184 became effective on October 1, 2002.

For Law 14-213, see notes following § 10-801.

Law 15-112, the "Washington Convention Center Authority Term Limit Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-427, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 27, 2004, it was assigned Act No. 15-299 and transmitted to both Houses of Congress for its review. D.C. Law 15-112 became effective on March 30, 2004.

For Law 18-111, see notes following § 10-303.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

§ 10-1202.06. 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 new convention center and District sports and entertainment facilities, including concessions, vehicle parking facilities, or other related facilities;
- (3) Adopt rules and regulations consistent with Chapter 5 of Title 2, governing the operation and use of the new convention center and District sports and entertainment facilities;
- (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 benefits. The personnel system shall be in place no later than 6 months after September 28, 1994. 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 the President and Chief Executive Officer, 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 President and Chief Executive Officer 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, marketing service contracts entered into pursuant to § 10-1202.08a, 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;
- (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 September 28, 1994.

(h-1)(1) If the guaranteed maximum price required by § 10-1202.04 requires an adjustment in the final financial requirements and feasibility analysis required by subsection (h) of this section, the Board shall submit revised financial requirements for the construction of the New Convention Center to the Council and the Mayor.

(2) This subsection shall apply as of February 27, 1997.

(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 chapter, 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.

(Sept. 28, 1994, D.C. Law 10-188, § 206, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(d), 45 DCR 4826; Mar. 3, 2010, D.C. Law 18-111, § 2081(h), 57 DCR 181; Apr. 8, 2011, D.C. Law 18-356, § 2(a), 58 DCR 760.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-807.

Effect of Amendments

D.C. Law 18-111, in subsec. (a)(2), substituted "the new convention center and District sports and entertainment facilities," for "the Existing Convention Center and the New Convention Center"; in subsec. (a)(3), substituted "the new convention center and District sports and entertainment facilities" for "the Existing Convention Center and the New Convention Center"; in subsec. (a)(5), substituted "for the Chief Executive Officer and General Manager" for "for, a General Manager to the Existing Convention Center and New Convention Center"; and, in subsec. (a)(6), substituted "Chief Executive Officer and General Manager" for "General Manager".

D.C. Law 18-356, in subsec. (a)(5), substituted "for the President and Chief Executive Officer" for "for the Chief Executive Officer and General Manager"; and, in subsec. (a)(6), substituted "President and Chief Executive Officer" for "Chief Executive Officer and General Manager".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of Washington Convention Center Authority Act of 1994 Time Extension Temporary Amendment Act of 1996 (D.C. Law 11-262, April 25, 1997, law notification 44 DCR 2860).

Section 2(a) of D.C. Law 18-266, in subsec. (a)(5), substituted "for the President and Chief Executive Officer" for "for the Chief Executive Officer and General Manager"; and, in subsec. (a)(6), substituted "President and Chief Executive Officer" for "Chief Executive Officer and General Manager".

Section 5(b) of D.C. Law 18-266 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 2(a) of the Washington Convention Center Authority Act of 1994 Emergency Amendment Act of 1996 (D.C. Act 11-393, October 1, 1996, 43 DCR 5430), and § 2(a) of the Washington Convention Center Authority Act of 1994 Time Extension Emergency Act of 1996 (D.C. Act 11-509).

For temporary (90 day) amendment of section, see § 2081(h) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(h) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 2(a) of Washington Convention and Sports Authority Emergency Amendment Act of 2010 (D.C. Act 18-504, July 30, 2010, 57 DCR 7578).

For temporary (90 day) amendment of section, see § 2(a) of Washington Convention and Sports Authority Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-580, October 19, 2010, 57 DCR 10113).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

For history of Law 18-356, see notes under § 10-306.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

**§ 10-1202.07. PRESIDENT AND CHIEF EXECUTIVE OFFICER;
APPOINTMENT AND DUTIES.**

(a) The Board, by majority vote, shall employ a President and Chief Executive Officer to run the day-to-day affairs of the new convention center, District sports and entertainment facilities, and the Authority. The President and Chief Executive Officer shall be a resident of the District and shall remain a District resident for the duration of his or her employment by the Authority. Failure to maintain District residency shall result in a forfeiture of the position.

(a-1) The General Manager of the Washington Convention Center Authority serving on March 3, 2010, shall become the President and Chief Executive Officer of the Authority.

(b) The President and Chief Executive Officer 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 bookings, events, and productions for the new convention center and District sports and entertainment facilities; and

(5) Perform such other duties as may be authorized by the Board for the effective and efficient management of the Authority and its facilities.

(c) The termination of the President and Chief Executive Officer shall require the concurrence of a majority of the Board.

(Sept. 28, 1994, D.C. Law 10-188, § 207, 41 DCR 5333; Feb. 6, 2008, D.C. Law 17-108, § 210(a), 54 DCR 10993; Mar. 25, 2009, D.C. Law 17-353, § 223(e)(1), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 2081(i), 57 DCR 181; Apr. 8, 2011, D.C. Law 18-356, § 2(b), 58 DCR 760.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-808.

Effect of Amendments

D.C. Law 17-108, in subsec. (a), inserted "The General Manager shall be a resident of the District and shall remain a District resident for the duration of his or her employment by the Authority. Failure to maintain District residency shall result in a forfeiture of the position."

D.C. Law 17-353 validated a previously made technical correction in subsec. (a).

D.C. Law 18-111 rewrote the section, which had read as follows:

"(a) The Board, by majority vote, shall employ a Chief Executive Officer and General Manager to run the day-to-day affairs of the new convention center, District sports and entertainment facilities, and the Authority. The Chief Executive Officer and General Manager shall be a resident of the District and shall remain a District resident for the duration of his or her employment by the Authority. Failure to maintain District residency shall result in a forfeiture of the position.

"(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

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

D.C. Law 18-356, in the first sentence of subsec. (a), substituted "a President and Chief Executive Officer" for "a Chief Executive Officer and General Manager"; in the second sentence of subsec. (a), substituted "The President and Chief Executive Officer" for "The Chief Executive Officer and General Manager"; and, in the section heading and subsecs. (a-1), (b), and (c), substituted "President and Chief Executive Officer" for "Chief Executive Officer and General Manager".

Temporary Amendments of Section

Section 2(b) of D.C. Law 18-266, in the section heading and subsecs. (a-1), (b), and (c), substituted "President and Chief Executive Officer" for "Chief Executive Officer and General Manager"; and, in subsec. (a), substituted "a President and Chief Executive Officer" for "a Chief Executive Officer and General Manager" in the first sentence, and substituted "The President and Chief Executive Officer" for "The Chief Executive Officer and General Manager" in the second sentence.

Section 5(b) of D.C. Law 18-266 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

Section 2(c) of D.C. Law 18-266 added a section to read as follows:

"Sec. 207a. References deemed to refer to the President and Chief Executive Officer of the Washington Convention and Sports Authority.

"References in any District law, rule, regulation, or delegation of authority to the General Manager of the Washington Convention Center Authority, other than in section 207(a-1), or the Chief Executive Officer and General Manager of the Washington Convention and Sports Authority, shall be deemed to refer to the President and Chief Executive Officer of the Washington Convention and Sports Authority."

Section 5(b) of D.C. Law 18-266 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(i) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(i) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 2(b) of Washington Convention and Sports Authority Emergency Amendment Act of 2010 (D.C. Act 18- 504, July 30, 2010, 57 DCR 7578).

For temporary (90 day) addition of section, see § 2(c) of Washington Convention and Sports Authority Emergency Amendment Act of 2010 (D.C. Act 18-504, July 30, 2010, 57 DCR 7578).

For temporary (90 day) amendment of section, see § 2(b) of Washington Convention and Sports Authority Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-580, October 19, 2010, 57 DCR 10113).

For temporary (90 day) addition of section, see § 2(c) of Washington Convention and Sports Authority Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-580, October 19, 2010, 57 DCR 10113).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

Law 17-108, the "Jobs for D.C. Residents Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-185 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on July 10, 2007, and October 2, 2007, respectively. Signed by the Mayor on October 26, 2007, it was assigned Act No. 17-172 and transmitted to both Houses of Congress for its review. D.C. Law 17-108 became effective on February 6, 2008.

For Law 17-353, see notes following § 10-1016.

For Law 18-111, see notes following § 10-303.

For history of Law 18-356, see notes under § 10-306.

§ 10-1202.07A. REFERENCES DEEMED TO REFER TO THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE WASHINGTON CONVENTION AND SPORTS AUTHORITY.

References in any District of Columbia law, rule, regulation, or the delegation of authority to the General Manager of the Washington Convention Center Authority, other than in § 10-1202.07(a-1), or the Chief Executive Officer and General Manager of the Washington Convention and Sports Authority shall be deemed to refer to the President and Chief Executive Officer of the Washington Convention and Sports Authority.

(Sept. 28, 1994, D.C. Law 10-188, § 207a, as added Apr. 8, 2011, D.C. Law 18-356, § 2(c), 58 DCR 760.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 18-356, see notes under § 10-306.

§ 10-1202.08. WASHINGTON CONVENTION CENTER FUND; TRANSFER AND PLEDGE OF REVENUES.

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

(b) Dedicated taxes collected by the Mayor, as an agent for the Authority and the monies in the Convention Center Fund shall not be a part of, nor lapse into, the General Fund of the District of Columbia, nor the Sports and Entertainment Fund, except as provided in § 10-1202.13.

(c)(1) Any and all dedicated taxes collected by the Mayor as an agent for the Authority shall be transferred upon receipt to the Convention Center Fund for the payment of the costs of the new convention center, expenses necessary for debt service, reserve funds, repair, maintenance, marketing service contracts and all other expenses of operating and managing the Authority.

(2) The Board shall submit for Council review the detailed guidelines established by the Authority stating the types of expenditures permissible under Authority policy.

(d) Any pledge by the Authority of any revenues on deposit in the Convention Center Fund shall be effective, valid, and binding from the time the pledge is made. The pledged revenues, once deposited in the Convention Center 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 Convention Center Fund that the District shall not limit, restrict, or in any way impair the collection, transfer, deposit, or disbursement of revenues in the Convention Center Fund until the principal of, premium if any, and interest on the Authority debt has been paid and discharged.

(f) Except as provided in § 10-1202.04(b), all assets and liabilities of the Washington Convention Center Enterprise Fund, established pursuant to § 10-1215, shall be transferred to the Fund.

(Sept. 28, 1994, D.C. Law 10-188, § 208, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(e), 45 DCR 4826; Mar. 3, 2010, D.C. Law 18-111, § 2081(j), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 72(b), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-809.

Effect of Amendments

D.C. Law 18-111, in the section heading, deleted "Authority" following "Center"; in subsec. (a), substituted "'Washington Convention Center Fund' ('Convention Center Fund')" for "'Washington Convention Center Authority Fund' ('Fund')"; in subsec. (b), substituted "Convention Center Fund" for "Fund" and substituted "District of Columbia, nor the Sports and Entertainment Fund," for "District,"; in subsec. (c)(1), substituted "Convention Center Fund" for "Fund" and substituted "new convention center" for "New Convention Center"; in subsec. (d), substituted "deposit in the Convention Center Fund" for "deposit in the Fund" and substituted "deposited in the Convention Center Fund" for "deposited in the Fund"; and, in subsec. (e), substituted "secured by the Convention Center Fund" for "secured by the Fund" and substituted "revenues in the Convention Center Fund" for "revenues in the Fund".

D.C. Law 19-171 made a technical amendment to D.C. Law 18-111, § 2081(j)(3)(A), that did not change the text of the section.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(j) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(j) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

For history of Law 19-171, see notes under § 10-551.02.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

Miscellaneous Notes

Expenditures for Convention Center activities: For provisions permitting the Washington Convention Center Authority to expend revenues for Convention Center activities, see § 47-396.1.

§ 10-1202.08A. ESTABLISHMENT OF THE WASHINGTON CONVENTION CENTER MARKETING FUND; MARKETING SERVICE CONTRACTS.

(a) There is established the Washington Convention Center Marketing Fund ("Marketing Fund") to be maintained by the Authority to promote conventions, tourism, and leisure travel in the District and the hosting of sporting events, sports teams, recreational events, and entertainment events in the District.

(b) Monies in the Marketing Fund shall not be a part of, nor lapse into, the General Fund of the District. The Marketing Fund shall be audited at least once each year and a report of the audit shall be published by the Authority.

(c) The total dollar amount the Authority shall allocate to the Marketing Fund shall be based on, as nearly as practical, an amount equal to not less than 17.4% of the amount collected each year from the tax imposed by §§ 47-2002.02(1) and 47-2202.01(1). The Authority shall deposit monthly an amount equal to not less than 17.4% of the amount as collected from the tax imposed by §§ 47-2002.02(1) and 47-

2202.01(1) into the Marketing Fund.

(d) Where applicable, the marketing service contracts that the Authority may enter into shall include information on general and specific responsibilities, performance standards, 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. All money received from the Authority under a marketing services contract shall be separately accounted for and subject to verification by audit. The Authority shall have the right at any time to terminate any marketing service contract for cause. In the event of termination for cause by the Authority, the services to be performed under the terms of the terminated marketing service contract shall be procured by request for proposals made pursuant to rules for the procurement of goods and services adopted by the Board.

(e) The marketing service contracts shall include a contract with:

(1) Destination, DC (formerly, the Washington, DC Convention and Tourism Corporation), pursuant to which Destination, DC shall be designated as the primary contractor to:

(A) Market and sell meetings and conventions for the Washington Convention Center and hotels in the District of Columbia;

(B) Market and promote the District of Columbia as a destination; and

(C) Increase revenue to the District of Columbia and the Authority by maximizing sales of hotel rooms and restaurant meals;

(2) The D.C. Chamber of Commerce, pursuant to which the D.C. Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

(3) The Greater Washington Ibero American Chamber of Commerce, for the purpose of pursuit of special projects, as designated by the Authority.

(e-1) The marketing service contracts may include contracts with:

(1) The DC Chamber of Commerce, pursuant to which the DC Chamber of Commerce shall be designated as the primary contract or to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

(2) The Greater Washington Hispanic Chamber of Commerce (formerly known as the Greater Washington Ibero American Chamber of Commerce), for the purpose of pursuit of special projects, as designated by the Authority.

(f) The obligation of the Authority to make any payment pursuant to any marketing service contract and the amount thereof shall be subject, and subordinate, in all respects, to the obligation of the Authority to apply any amount deposited or required to be deposited in any fund or account established or maintained pursuant to any resolution, indenture, or trust agreement adopted by the Authority relating to any bonds, notes, or other obligations issued by the Authority pursuant to § 10-1202.10 in accordance with the provisions of such resolution, indenture, or trust agreement.

(g) Before entering into any marketing contract that is a multiyear contract or in excess of \$1 million during a 12-month period, the Authority shall submit the contract to the Council for review and approval under § 2-352.02.

(h) Beginning in fiscal year 2013 and each fiscal year thereafter, the Chief Financial Officer shall transfer \$3 million from the General Fund of the District of Columbia to supplement the Marketing Fund.

(i)(1) In addition to any other limitation applicable under subsection (e)(1) of this section, funds transferred pursuant to subsection (h) of this section shall be limited to Destination DC-led advertising programs with the specific purpose to increase tourism and convention travel to the District of Columbia and further the purpose of the marketing service contracts entered into pursuant to subsection (e) of this section and used only for:

(A) Targeted online advertising;

(B) Search engine marketing;

(C) Print media;

(D) Broadcast media;

(E) Social media marketing;

(F) Outdoor media (billboards/signage);

(G) Direct-to-consumer email campaigns; and

(H) Pop-up experiential marketing opportunities.

(2) All uses of funds transferred pursuant to subsection (h) of (e) this section shall be subject to mandatory return-on-investment analysis as determined by the Authority's marketing service contract oversight functions.

(3) Any funds transferred pursuant to subsection (h) of this section that are used outside the scope and intent of this subsection, as determined by the Authority pursuant to its marketing service contract oversight function, shall lead to the automatic revocation of remaining funds transferred at the beginning of that fiscal year pursuant to subsection (h) of this section and their reversion to the General Fund of the District of Columbia.

(Sept. 28, 1994, D.C. Law 10-188, § 208a, as added Aug. 12, 1998, D.C. Law 12-142, § 2(f), 45 DCR 4826; Apr. 13, 1999, D.C. Law 12-219, § 2, 46 DCR 288; Apr. 3, 2001, D.C. Law 13-259, § 2, 48 DCR 772; June 12, 2003, D.C. Law 14-310, § 7, 50 DCR 1092; Nov. 13, 2003, D.C. Law 15-39, § 1102, 50 DCR 5668; Oct. 20, 2005, D.C. Law 16-33, § 1252, 52 DCR 7503; Mar. 3, 2010, D.C. Law 18-111, § 2081(k), 57 DCR 181; Sept. 20, 2012, D.C. Law 19-168, § 7143, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 213, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-809.1.

Effect of Amendments

D.C. Law 13-259, in subsec. (d), inserted the second sentence; in subsec. (e)(1)(C), deleted "promote neighborhood and cultural tourism in the District and" following "primary contractor to", substituted "hospitality industry, especially through neighborhood and cultural tourism " for "hospitality industry"; added subsec. (e)(2); and rewrote subsec. (g) which formerly read:

"(g) Any marketing contracts that exceed the specified dollar amounts contained in section III.A.1. or section 3(a)(1) of the Washington Convention Center Contract Nos. 1-99, 2-99, 3-99, and 4-99, as approved by the Council, shall be submitted to the Council for a 60-day period of review and approval. No additional marketing contracts shall be approved by the Authority without Council review and approval."

D.C. Law 15-39 rewrote subsec. (e) which had read as follows:

"(e)(1) The marketing service contracts shall include contracts with the following entities:

"(A) The Washington Convention and Visitors Association pursuant to which the Washington Convention and Visitors Association shall be designated as the primary contractor to promote conventions and group tourism in the District;

"(B) The D.C. Committee to Promote Washington pursuant to which the D.C. Committee to Promote Washington shall be designated as the primary contractor to conduct leisure travel advertising, marketing, and promotions in the District;

"(C) The D.C. Chamber of Commerce pursuant to which the D.C. Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

"(D) The Greater Washington Ibero American Chamber of Commerce for the purpose of pursuit of special projects, as designated by the Authority.

"(2) In the event of a merger between the D.C. Committee to Promote Washington and the Washington Convention and Visitors Association, the surviving corporation shall succeed to the responsibilities of the D.C. Committee to Promote Washington and the Washington Convention and Visitors Association under subparagraphs (A) and (B) of paragraph (1) of this subsection and the contract between the surviving corporation and the Washington Convention Center Authority shall supersede and replace the contracts between the Washington Convention Center Authority and D.C. Committee to Promote Washington or the Washington Convention and Visitors Association. The surviving corporation shall:

"(A) Market and sell meetings and conventions for the Washington Convention Center and hotels in the District of Columbia;

"(B) Market and promote the District of Columbia as a destination; and

"(C) Increase revenue to the District of Columbia and the Washington Convention Center Authority by maximizing sales of hotel rooms and restaurant meals".

D.C. Law 14-310, in subsec. (e), validated previously made technical corrections.

D.C. Law 16-33, in subsec. (b), substituted "District. The Marketing Fund shall be audited at least once each year and a report of the audit shall be published by the Authority." for "District, except as provided in § 10-1202.13."

D.C. Law 18-111 rewrote subsecs. (a) and (e); in subsec. (c), substituted "the Authority shall allocate to the Marketing Fund" for "of the marketing service contracts"; in subsec. (d), substituted "the marketing service contracts that the Authority may enter into" for "the marketing service contracts"; and added subsec. (e-1). Prior to amendment, subsecs. (a) and (e) read as follows:

"(a) There is established the Washington Convention Center Marketing Fund ('Marketing Fund') to be

maintained by the Authority for the payment of marketing service contracts to promote conventions, tourism, and leisure travel in the District."

"(e) The marketing service contracts shall include contracts with the following entities:

"(1) The Washington, DC Convention and Tourism Corporation, pursuant to which the Washington, DC Convention and Tourism Corporation shall be designated as the primary contractor to:

"(A) Market and sell meetings and conventions for the Washington Convention Center and hotels in the District of Columbia;

"(B) Market and promote the District of Columbia as a destination; and

"(C) Increase revenue to the District of Columbia and the Washington Convention Center Authority by maximizing sales of hotel rooms and restaurant meals;

"(2) The D.C. Chamber of Commerce, pursuant to which the D.C. Chamber of Commerce shall be designated as the primary contractor to promote participation by local, small, and minority businesses in the hospitality industry, especially through neighborhood and cultural tourism; and

"(3) The Greater Washington Ibero American Chamber of Commerce, for the purpose of pursuit of special projects, as designated by the Authority."

D.C. Law 19-168 added subsecs. (h) and (i).

D.C. Law 19-171, in subsec. (g), substituted "§ 2-352.02" for "§ 2-301.05a".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3 of Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Temporary Amendment Act of 1998 (D.C. Law 12-197, March 26, 1999, law notification 46 DCR 3423).

Emergency Act Amendments

For temporary amendment of section, see § 3 of the Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Emergency Amendment Act of 1998 (D.C. Act 12-427, July 29, 1998, 45 DCR 5725), § 3 of the Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Emergency Amendment Act of 1998 (D.C. Act 12-508, November 4, 1998, 45 DCR 9174), and § 3 of the Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-9, February 8, 1999, 46 DCR 2317).

For temporary (90 day) amendment of section, see § 2 of the Washington Convention Center Marketing Emergency Amendment Act of 2000 (D.C. Act 13-585, January 31, 2001, 48 DCR 1929).

For temporary (90 day) amendment of section, see § 1102 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 1102 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 1252 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 2081(k) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(k) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

Law 12-142, the "Washington Convention Center Authority Financing Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-379, which was referred to the Committee on Economic Development and the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 2, 1998, and June 16, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-402 and transmitted to both Houses of Congress for its review. The legislation became effective on August 12, 1998, the date that the President of the United States signed P.L. 105-227, which waived the 30-day Congressional review period for this law.

Law 12-219, the "Washington Convention Center Authority Second Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-806, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on December 9, 1998, it was assigned Act No. 12-534 and transmitted to both Houses of Congress for its review. D.C. Law 12-219 became effective on April 13, 1999.

Law 13-259, the "Washington Convention Center Marketing Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-876, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively.

Signed by the Mayor on December 21, 2000, it was assigned Act No. 13-547 and transmitted to both Houses of Congress for its review. D.C. Law 13-259 became effective on April 3, 2001.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

For Law 15-39, see notes following § 10-834.

For Law 16-33, see notes following § 10-701.

For Law 18-111, see notes following § 10-303.

For history of Law 19-168, see notes under § 10-166.01.

For history of Law 19-171, see notes under § 10-551.02.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

Miscellaneous Notes

Short title of title XI of Law 15-39: Section 1101 of D.C. Law 15-39 provided that title XI of the act may be cited as the Washington Convention Center Marketing Amendment Act of 2003.

Short title of subtitle DD of title I of Law 16-33: Section 1251 of D.C. Law 16-33 provided that subtitle DD of title I of the act may be cited as the Washington Convention Center Authority Marketing Fund Amendment Act of 2005.

Short title: Section 7141 of D.C. Law 19-168 provided that subtitle N of title VII of the act may be cited as "Gallery Place Tax Increment Refinancing Allocation and Washington Convention Center Authority Marketing Fund Amendment Act of 2012".

§ 10-1202.08B. SPORTS AND ENTERTAINMENT FUND.

(a) There is established as a nonlapsing fund the Sports and Entertainment Fund, to be maintained by the Authority.

(b)(1) There shall be deposited into the Sports and Entertainment Fund all monies remaining in the Sports and Entertainment Commission Fund, all revenues of the Authority derived from the District sports and entertainment facilities (except revenues derived from the Walter D. Washington Convention Center), all revenues of the Authority derived from other sports- and entertainment-related activities of the Authority, all interest earned on money in the Fund, and all other monies deposited pursuant to the laws of the District.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to the authorization by Congress.

(c) Monies in the Sports and Entertainment Fund shall be used to pay for the operating expenses of the Authority, including expenses incurred through contracts, and for the hosting of sports events, sports teams, recreational events, and entertainment events in the District.

(Sept. 28, 1994, D.C. Law 10-188, § 208b, as added Mar. 3, 2010, D.C. Law 18-111, § 2081(l), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2081(l) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 2081(l) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 18-111, see notes following § 10-303.

§ 10-1202.08C. SPORTS FACILITIES ACCOUNT.

(a) There is established the Sports Facilities Account ("Account") as a nonlapsing account within the General Fund of the District of Columbia, which shall be used solely for the maintenance and upkeep of

the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory.

(b)(1) In accordance with § 10-1202.02b(a)(1), the Authority shall transfer from the Sports and Entertainment Fund established by § 10-1202.08b to the Account an amount equal to the budget authority for maintenance and operation of the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory on October 1 of each year.

(2) Funds deposited into the Account pursuant to this subsection shall be maintained in segregated sub-accounts associated with each revenue source, as the Chief Financial Officer determines to be necessary.

(3) The funds deposited into the Account shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for maintenance and operation of the Robert F. Kennedy Memorial Stadium and the nonmilitary portion of the Armory without regard to fiscal year limitation, subject to authorization by Congress.

(Sept. 28, 1994, D.C. Law 10-188, § 208c, as added Mar. 3, 2010, D.C. Law 18-111, § 2081(l), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2081(l) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 2081(l) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 18-111, see notes following § 10-303.

§ 10-1202.09. DELEGATION OF COUNCIL AUTHORITY TO ISSUE BONDS.

The Council delegates to the Authority the power of the Council under § 1-204.90, as amended by section 11508 of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (P. L. 105-33; 111 Stat. 773), 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 and the new convention center hotel pursuant to this chapter or to finance, refinance, or assist in the financing or refinancing of the construction of, or capital improvements to, any District sports and entertainment facility.

(Sept. 28, 1994, D.C. Law 10-188, § 209, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(g), 45 DCR 4826; Sept. 19, 2006, D.C. Law 16-163, § 114(c), 53 DCR 5430; Mar. 3, 2010, D.C. Law 18-111, § 2081(m), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-810.

Effect of Amendments

D.C. Law 16-163 substituted "New Convention Center and the new convention center hotel" for "New Convention Center".

D.C. Law 18-111 substituted "new convention center" for "New Convention Center" and substituted "this chapter or to finance, refinance, or assist in the financing or refinancing of the construction of, or capital improvements to, any District sports and entertainment facility" for "this chapter".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 114(c) of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 2081(m) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(m) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.08a.

For Law 16-163, see notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

§ 10-1202.10. POWER OF THE AUTHORITY TO ISSUE BONDS AND NOTES.

(a) Subject to the limitations in § 10-1202.04, the Authority may at any time, and from time to time, issue bonds and notes or other obligations, by resolution, in 1 or more series to finance the construction of, or capital improvements to, the new convention center or a District sports or entertainment facility or certain costs of the new convention center hotel or a District sports or entertainment facility hotel. 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 Title 28, 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 chapter and the adoption of resolutions authorizing such bonds, notes, and other obligations shall be done in compliance with the requirements of this chapter, but shall not be subject to Chapter 5 of Title 2.

(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.

(Sept. 28, 1994, D.C. Law 10-188, § 210, 41 DCR 5333; Oct. 22, 2009, D.C. Law 18-78, 2(c), 56 DRC 6959; Mar. 3, 2010, D.C. Law 18-111, § 2081(n), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 72(c), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-811.

Effect of Amendments

D.C. Law 18-78, in subsec. (a), substituted "new convention center or certain costs of the new convention center hotel" for "new convention center".

D.C. Law 18-111, in subsec. (a), substituted "the construction of, or capital improvements to, the new convention center or a District sports or entertainment facility" for "the new convention center".

D.C. Law 19-171 made a technical amendment to D.C. Law 18-111, § 2081(n), that did not change the text of the section.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(c) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

For temporary (90 day) amendment of section, see § 2081(n) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(n) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For Law 18-78, see notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1202.11. 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 chapter, 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 34 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.

(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 chapter; 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 chapter. Notwithstanding subsections (a) and (b) of this section, § 10-1202.13, 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 chapter 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 chapter 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) All property, assets, and income of the Authority shall be exempt from District taxation and from any special assessments imposed by the District.
- (m) Bonds issued by the Authority, their transfer, and the interest on the bonds shall be exempt from District taxation, except for estate, inheritance, and gift taxation.

(Sept. 28, 1994, D.C. Law 10-188, § 211, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(h), 45 DCR 4826; Mar. 3, 2010, D.C. Law 18-111, § 2081(o), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-812.

Effect of Amendments

D.C. Law 18-111 rewrote subsecs. (l) and (m), which had read as follows:

"(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."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(o) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(o) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.08a.

For Law 18-111, see notes following § 10-303.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

§ 10-1202.12. 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.

(Sept. 28, 1994, D.C. Law 10-188, § 212, 41 DCR 5333.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-813.

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

§ 10-1202.13. TRANSFER OF EXCESS CASH.

(a) If, at the end of a fiscal year, the balance of cash and investments of the Authority in the Convention Center Fund exceeds the balance of current liabilities, reserves, and any amounts that the Authority expects to apply to purchase or redeem its outstanding indebtedness during the upcoming fiscal year, 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) Subject to Council approval by resolution, the Authority may increase the level of the reserves described in subsection (b) of this section or establish, fund, and maintain any other reserve or reserves if the Authority determines that such action is necessary to satisfy the bond-rating agencies or otherwise maintain the financial condition of the Authority.

(Sept. 28, 1994, D.C. Law 10-188, § 213, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(i), 45 DCR 4826; Mar. 3, 2010, D.C. Law 18-111, § 2081(p), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-814.

Effect of Amendments

D.C. Law 18-111, in subsec. (a), substituted "Authority in the Convention Center Fund exceeds" for "Authority exceeds".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(p) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(p) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.08a.

For Law 18-111, see notes following § 10-303.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

Miscellaneous Notes

Washington Convention Center Authority Dedicated Tax Revenue Bond Resolution of 1998: Pursuant to Resolution 12-591, effective July 7, 1998, the Council approved the Washington Convention Center Authority's proposal for the issuance of Dedicated Tax Revenue Bonds to finance a New Convention Center and to authorize an increase in the capital replacement reserve and the operating reserve.

§ 10-1202.14. DISTRICT OF COLUMBIA REPAYMENT OPTION.

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 § 10-1202.11(h), for the purpose of dissolving or altering the Authority after such bonds and notes are cancelled or defeased.

(Sept. 28, 1994, D.C. Law 10-188, § 214, 41 DCR 5333.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-815.

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

§ 10-1202.15. LOCATION OF NEW CONVENTION CENTER.

(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.

(Sept. 28, 1994, D.C. Law 10-188, § 215, 41 DCR 5333.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-816.

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

§ 10-1202.15A. REDEVELOPMENT OF EXISTING CONVENTION CENTER SITE.

Any proposed exclusive right agreement to redevelop the existing convention center site, which is legally described as Square 374 and Lot 848 and excluding Lot 829, shall be submitted with a proposed resolution by the Mayor to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 30-day period of review, the proposed resolution and exclusive right agreement shall be deemed approved.

(Sept. 28, 1994, D.C. Law 10-188, § 215a, as added Apr. 4, 2003, D.C. Law 14-286, § 2, 50 DCR 944.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of Council Review of Existing Convention Center Site Redevelopment Temporary Amendment Act of 2002 (D.C. Law 14-224, March 25, 2003, law notification 50 DCR 2737).

Emergency Act Amendments

For temporary (90 day) addition of § 10-1202.15a, see § 2 of Council Review of Existing Convention Center Site Redevelopment Emergency Amendment Act of 2002 (D.C. Act 14-425, July 17, 2002, 49 DCR 7629).

For temporary (90 day) addition of § 10-1202.15a, see § 2 of Council Review of Existing Convention Center Site Redevelopment Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-539, December 2, 2002, 49 DCR 11655).

Legislative History of Laws

Law 14-286, the "Council Review of the Exclusive Right Agreement for the Redevelopment of the Existing Convention Center Site Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-814, which was referred to Economic Development. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-620 and transmitted to both Houses of Congress for its review. D.C. Law 14-286 became effective on April 4, 2003.

Delegation of Authority

Delegation of Authority to Execute Exclusive Rights Agreements, Land Disposition Agreements, Deeds and Associated Documents with Respect to Certain Real Estate, see Mayor's Order 2005-28, February 2, 2005 (52 DCR 2848).

Resolutions

Resolution 16-165, the "Revised Old Convention Center Site Disposition Approval Resolution of 2005", was approved effective June 7, 2005.

Resolution 16-166, the "Revised Old Convention Center Site Exclusive Right Agreement Approval Resolution of 2005", was approved effective June 7, 2005.

§ 10-1202.16. MERIT PERSONNEL SYSTEM INAPPLICABLE.

Chapter 6 of Title 1 shall not apply to employees of the Authority; except, that:

(1) Subchapters V and XVII of Chapter 6 of Title 1 shall apply.

(2) Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Authority unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit 8 proofs of residency upon employment in a manner determined by the Board of Directors. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel for the Authority for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The Authority shall submit to the Mayor and Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence.

(Sept. 28, 1994, D.C. Law 10-188, § 216, 41 DCR 5333; Sept. 23, 1997, D.C. Law 12-22, § 2, 44 DCR 4168; Feb. 6, 2008, D.C. Law 17-108, § 210(b), 54 DCR 10993; Mar. 25, 2009, D.C. Law 17-353, § 223(e)(2), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-817.

Effect of Amendments

D.C. Law 17-108 rewrote the section which had read as follows:

"Chapter 6 of Title 1 shall not apply to employees of the Authority, except that subchapters V and XVII of Chapter 6 of Title 1, shall apply."

D.C. Law 17-353, in the lead-in language, substituted "except" for "provided".

Emergency Act Amendments

For temporary amendment of section, see § 2 of the Washington Convention Center Authority Collective

Bargaining Emergency Amendment Act of 1997 (D.C. Act 12- 78, June 4, 1997, 44 DCR 3351).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

Law 12-22, the "Washington Convention Center Authority Collective Bargaining Amendment Act of 1997," was introduced in Council and assigned Bill No. 12- 173. The Bill was adopted on first and second readings on May 6, 1997, and June 3, 1997, respectively. Signed by the Mayor on June 18, 1997, it was assigned Act No. 12-99 and transmitted to both Houses of Congress for its review. D.C. Law 12-22 became effective on September 23, 1997.

For Law 17-108, see notes following § 10-1202.07.

For Law 17-353, see notes following § 10-1016.

§ 10-1202.17. TRANSITION PROVISIONS; ESTABLISHMENT OF INTERIM BOARD OF DIRECTORS.[REPEALED]

(Sept. 28, 1994, D.C. Law 10-188, § 213, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(j), 45 DCR 4826.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-818.

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.08a.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

Miscellaneous Notes

Pub.L. 105-227, § 2, Aug. 12, 1998, 112 Stat. 1515, provides:

"Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, the Washington Convention Center Authority Financing Amendment Act of 1998 (D.C. Act 12-402) shall take effect on the date of the enactment of this Act."

§ 10-1202.18. ESTABLISHMENT OF ADVISORY COMMITTEE.

- (a) There is established a Washington Convention Center Advisory Committee ("Committee").
- (b) The Committee shall consist of the following 19 members:
 - (1) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor's designee;
 - (2) The City Administrator or the City Administrator's designee;
 - (3) The Chairman of the Council or the Chairman's designee;
 - (4) The Chairperson of the Council's committee with oversight over the Authority or the Chairperson's designee;
 - (5) The Councilmember from Ward 2 or the Councilmember's designee;
 - (6) Two members from the Shaw community appointed by the Mayor;
 - (7) Two members appointed by the Chairperson of the Council's committee with oversight over the Authority;
 - (8) Two members from the community chosen by the Councilmember from Ward 2;
 - (9) One member chosen by the Advisory Neighborhood Commissioner for ANC2F;
 - (10) One member chosen by the Advisory Neighborhood Commissioner for ANC2C;
 - (11) The Ward 2 Metropolitan Police Department representative;
 - (12) One member chosen by the Unite Here Mid-Atlantic Joint Board Local 25 (Hotel & Restaurant Employees);
 - (13) One member chosen by the local chapter of the American Institute of Architects;

- (14) One member chosen by the local chapter of the American Planning Association;
 - (15) One member chosen by the Hotel Association of Washington D.C.; and
 - (16) The Chairperson of the Committee, who shall be appointed by the Mayor without limitations based upon ward residency.
- (c) Members of the Committee who are not ex officio members shall have expertise in economic development, public safety, law, transportation, affirmative action, or local community issues.
- (d) All members of the Committee shall be District residents.
- (e) The Chairperson of the Commission shall be designated by the Mayor in consultation with the chairperson of the Council's committee with oversight over the Washington Convention Center Authority.
- (f) Members shall serve without compensation.
- (g) Prior to adoption of a request for proposals or contract modifications for economic development projects, streetscape or pedestrian movement projects, and transportation or parking projects the Authority shall consult and receive comments from the Committee.
- (h) The Committee shall advise the Authority with respect to the following:
- (1) The needs of the community, including providing retail uses that are accessible to the community, which serve the needs of both the community and visitors to the Convention Center, and adequate security in and around the Convention Center;
 - (2) Parking issues, including parking for persons using or employed at the Convention Center and the prevention of parking in the surrounding neighborhoods by non-residents of those neighborhoods;
 - (3) Transportation issues, including proposals for directing traffic to and from the Convention Center away from the surrounding residential streets, providing a method of truck staging to minimize any adverse impact on the surrounding neighborhoods, restricting the parking of trucks, trailers, and buses to the Convention Center or other areas outside of the area surrounding the Convention Center, and providing adequate pull-off areas for taxicabs, buses, and shuttles;
 - (4) Economic development spin-off opportunities for surrounding neighborhoods;
 - (5) Participation by local, small, and disadvantaged business enterprises in the operation of the Convention Center;
 - (6) The development of environmental guidelines, including the mitigation of adverse noise and air quality impacts; and
 - (7) Other issues directly related to the operation of the Convention Center which are likely to have an impact on the community.
- (h-1) The Committee shall serve as the liaison to the community on matters pertaining to the new convention center hotel and shall provide updates on the new convention center hotel at the regularly scheduled Committee meetings.
- (i) The Committee shall dissolve one year after a Certificate of Occupancy is issued for the new convention center hotel; provided, that before such time Chairperson of the Committee may submit a request for renewal.

(Sept. 28, 1994, D.C. Law 10-188, § 218, 41 DCR 5333; Dec. 7, 2004, D.C. Law 15-213, § 2, 51 DCR 8822; July 18, 2008, D.C. Law 17-181, § 2, 55 DCR 6094; Mar. 25, 2009, D.C. Law 17-353, § 237, 56 DCR 1117; Oct. 22, 2009, D.C. Law 18-78, § 2(d), 56 DCR 6959; Mar. 3, 2010, D.C. Law 18-111, § 2081(q), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-819.

Effect of Amendments

D.C. Law 15-213 rewrote the section which had read as follows:

- "(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) Three members appointed by the Mayor from the community;
 - "(2) One member appointed by ANC 2F;
 - "(3) One 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) Two appointees chosen by the Chairman of the Council;

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

"(9) Four appointees chosen by the Council member from Ward 2;

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

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

"(12) One 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."

D.C. Law 17-181 rewrote subsec. (b); in subsec. (e), substituted "Council's committee with oversight over the Washington Convention Center Authority" for "Committee on Economic Development"; added subsec. (h-1); and, in subsec. (i), substituted "dissolve one year after a Certificate of Occupancy is issued for the Headquarters Hotel;" for "dissolve on December 31, 2010;". Prior to amendment, subsec. (b) read as follows:

"(b) The Committee shall consist of the following 12 members:

"(1) The Deputy Mayor for Planning and Economic Development or the Deputy Mayor's designee;

"(2) The Deputy Mayor for Operations or the Deputy Mayor's designee;

"(3) The Chairman of the Council or the Chairman's designee;

"(4) The Chairperson of the Council's Committee on Economic Development or the Chairperson's designee;

"(5) The Councilmember from Ward 2 or the Councilmember's designee;

- "(6) Two members from the Shaw community appointed by the Mayor;
- "(7) One member chosen by the Chairperson of the Council Committee on Economic Development;
- "(8) One member from the community chosen by the Councilmember from Ward 2;
- "(9) One member chosen by the Advisory Neighborhood Commissioner for ANC2F;
- "(10) One member chosen by the Advisory Neighborhood Commissioner for ANC2C; and
- "(11) The Ward 2 Metropolitan Police Department representative."

D.C. Law 17-353 validated a previously made technical correction in subsec. (b)(4).

D.C. Law 18-78, in subsec. (h-1), substituted "new convention center hotel" for "Walter E. Washington Convention Center Headquarters Hotel ('Headquarters Hotel')" and " new convention center hotel" for "Headquarters Hotel"; and, in subsec. (i), substituted "new convention center hotel" for "Headquarters Hotel".

D.C. Law 18-111, in subsec. (b)(2), substituted "City Administrator or the City Administrator's" for "Deputy Mayor for Operations (or successor officer) or the Deputy Mayor's"; and, in subsecs. (b)(4) and (7), substituted "Authority" for "Washington Convention Center Authority".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Continuity Temporary Amendment Act of 2003 (D.C. Law 15-21, June 21, 2003, law notification 50 DCR 5465).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Continuity Temporary Act of 2004 (D.C. Law 15-122, March 30, 2004, law notification 51 DCR 3809).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Third Temporary Amendment Act of 2004 (D.C. Law 15-209, December 7, 2004, law notification 52 DCR 453).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Continuity Temporary Amendment Act of 2005 (D.C. Law 16-3, May 14, 2005, law notification 52 DCR 5426).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Second Temporary Amendment Act of 2006 (D.C. Law 16-74, April 4, 2006, law notification 53 DCR 3333).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Temporary Amendment Act of 2006 (D.C. Law 16-254, March 8, 2007, law notification 54 DCR 3039).

For temporary (225 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Temporary Amendment Act of 2007 (D.C. Law 17-74, January 23, 2008, law notification 55 DCR 1454).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Continuity Emergency Amendment Act of 2003 (D.C. Act 15-46, March 24, 2003, 50 DCR 2815).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Second Emergency Act of 2003 (D.C. Act 15-288, January 6, 2004, 51 DCR 873).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Third Emergency Amendment Act of 2004 (D.C. Act 15-479, July 19, 2004, 51 DCR 7617).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Emergency Amendment Act of 2005 (D.C. Act 16-29, February 17, 2005, 52 DCR 2991).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Continuity Second Emergency Act of 2005 (D.C. Act 16-242, December 22, 2005, 53 DCR 264).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Authority Advisory Committee Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-329, March 23, 2006, 53 DCR 2587).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Advisory Emergency Amendment Act of 2006 (D.C. Act 16-569, December 19, 2006, 54 DCR 5).

For temporary (90 day) amendment of section, see § 2 of Washington Convention Center Advisory Committee Emergency Amendment Act of 2007 (D.C. Act 17-150, October 18, 2007, 54 DCR 10896).

For temporary (90 day) amendment of section, see § 2(d) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

For temporary (90 day) amendment of section, see § 2081(q) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(q) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1201.01.

Law 15-213, the "Washington Convention Center Authority Advisory Committee Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-726, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 29, 2004, and July 13, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-504 and transmitted to both Houses of Congress for its review. D.C. Law 15- 213 became effective on December 7, 2004.

Law 17-181, the "Washington Convention Center Authority Advisory Committee Amendment Act of 2008", was introduced in Council and assigned Bill No.17-80 which was referred to the Committee on Economic Development Finance and Revenue. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 20, 2008, it was assigned Act No. 17-374 and transmitted to both Houses of Congress for its review. D.C. Law 17-181 became effective on July 18, 2008.

For Law 17-353, see notes following § 10-1016.

For Law 18-78, see notes following § 10-1202.01.

For Law 18-111, see notes following § 10-303.

PART C. LAND LEASE AUTHORITY FOR HOTEL.

§ 10-1202.21. FINDINGS.

The Council finds that in order for the development of the new convention center hotel to proceed, it is necessary for the District and the Authority to lease to Marriott International, Inc., the developer of the new convention center hotel, or its designee, 2 parcels of land that are part of the site of the new convention center hotel.

(Sept. 28, 1994, D.C. Law 10-188, § 221, formerly § 701, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(d), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353, in the credit, renumbered the section designation from § 701 to § 221.

Emergency Act Amendments

For temporary (90 day) addition, see § 201 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

Law 16-163, the "New Convention Center Hotel Omnibus Financing and Development Act of 2006", was introduced in Council and assigned Bill No. 16-630 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on May 2, 2006, and June 6, 2006, respectively. Signed by the Mayor on June 27, 2006, it was assigned Act No. 16-409 and transmitted to both Houses of Congress for its review. D.C. Law 16-163 became effective on September 19, 2006.

For Law 17-353, see notes following § 10-1016.

§ 10-1202.22. LEASE AUTHORITY FOR THE MAYOR.

(a) Notwithstanding any other provision of law, the Mayor may grant a lease to Marriott International, Inc., or its designee, of the real property described as a portion of Lot 26 (formerly known as Lots 18, 21, 801 through 806, 830 through 839, 843, and 845), Square 370, including all public alleys to be closed within these lots, on the following terms and conditions:

- (1) The lease term shall be 99 years, with lease payments beginning on the 3rd anniversary of operations; provided, that the commencement of the lease payments may be extended as mutually agreed by the parties.

(2) Annual lease payments shall be in an amount to be negotiated by the parties; provided, that the present value of the lease payments during the lease term discounted at 6% shall equal at least \$70.2 million.

(3) Repealed.

(4) Lease payments shall be payable from cash available after the developer's debt service payments on debt financing as permitted under the Hotel Development and Funding Agreement and lease.

(5) A right of first refusal and an option to acquire the District's fee interest in the real property during the lease term.

(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease.

(b) Notwithstanding any other provision of law, the Mayor may assign the annual lease payments required by subsection (a) of this section to the Authority.

(Sept. 28, 1994, D.C. Law 10-188, § 222, formerly § 702, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 3(c), 55 DCR 2527; Mar. 21, 2009, D.C. Law 17-339, § 2(a), 56 DCR 947; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(e), 56 DCR 1117; Oct. 22, 2009, D.C. Law 18-78, § 2(e), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote the section which had read as follows:

"The Mayor may grant a lease to Marriott International, Inc., or its designee, of the real property described as lots 62, 838, 839, 848, 859, and 878, square 369, and lots 18, 21, 22, 24, 801 through 806, 830 through 836, 837, 838, 839, 843, and 845, square 370, including all public alleys to be closed within these lots, on the following terms and conditions:

"(1) The lease term shall be 99 years, with no lease payments during the 3 year construction period and during the 1st 3 years of operation of the New Convention Center Hotel, up to a maximum of 6 years.

"(2) A lease payment of \$885,000 shall be paid during the 4th year of operation in equal monthly installments of \$73,750.

"(3) An annual lease payment of \$3.572 million shall be paid in monthly installments during the 5th year of operation and shall increase annually by 2.5% each year until the end of the lease term.

"(4) Lease payments shall be payable from cash available after the developer's debt service payments on a loan for the new convention center hotel.

"(5) The lease may be subordinated to a leasehold mortgage securing development financing for the developer."

D.C. Law 17-339 added par. (6).

D.C. Law 17-353, in the credit, renumbered the section designation from § 702 to § 222.

D.C. Law 18-78 designated the existing text as subsec. (a); in the lead-in text of subsec. (a), substituted "a portion of Lot 26 (formerly known as Lots 18, 21, 801 through 806, 830 through 839, 843, and 845), Square 370" for "Lots 18, 21, 801 through 806, 830 through 839, 843, and 845 in Square 370"; in subsec. (a)(1), substituted "on the 3rd anniversary of operations" for "in the 4th year of operations"; in subsec. (a)(4), substituted "debt financing as permitted under the Hotel Development and Funding Agreement and lease" for "a loan for the new convention center hotel"; and added subsec. (b).

Temporary Amendments of Section

Section 2(a) of D.C. Law 17-228 added par. (6) to read as follows:

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease."

Section 5(b) of D.C. Law 17-228 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 201 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment, see § 2(a) of New Convention Center Hotel Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-412, June 18, 2008, 55 DCR 7026).

For temporary (90 day) amendment of section, see § 2(a) of New Convention Center Hotel Combined Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-604, December 16, 2008, 56 DCR

17).

For temporary (90 day) amendment of section, see § 2(a) of New Convention Center Hotel Technical Amendments Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-28, March 16, 2009, 56 DCR 2319).

For temporary (90 day) amendment of section, see § 2(e) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 16-163, see notes following § 10-1202.21

For Law 17-144, see notes following § 10-1202.01.

Law 17-339, the "New Convention Center Hotel Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-774 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 6, 2009, it was assigned Act No. 17-657 and transmitted to both Houses of Congress for its review. D.C. Law 17-339 became effective on March 21, 2009.

For Law 17-353, see notes following § 10-1016.

For Law 18-78, see notes following § 10-1202.01.

§ 10-1202.23. LEASE AUTHORITY FOR THE AUTHORITY.

Notwithstanding any other provision of law, the Authority may lease to Marriott International, Inc., or its designee, the real property described as a portion of Lot 26 (formerly known as Lots 22 and 24), Square 370, on the following terms and conditions:

- (1) The lease term shall be 99 years, with lease payments beginning on the earlier of:
 - (A) The commencement of the 4th year of operation of the New Convention Center Hotel; or
 - (B) October 1, 2014; provided, that this date may be extended as mutually agreed by the parties.
- (2) Annual lease payments shall be in an amount to be negotiated by the parties; provided, that the present value of the lease payments during the lease term discounted at 6% shall equal at least \$31.5 million.
- (3) A right of first refusal and an option to acquire the Authority's fee interest in the real property during the lease term.
- (4) The Authority may convey to lessee its fee simple interest to the improvements located on the lots for lessee to own during the lease term.
- (5) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the new convention center hotel.
- (6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease.

(Sept. 28, 1994, D.C. Law 10-188, § 223, formerly § 703, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 3(d), 55 DCR 2527; Mar. 21, 2009, D.C. Law 17-339, § 2(b), 56 DCR 947; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(f), 56 DCR 1117; Oct. 22, 2009, D.C. Law 18-78, § 2(f), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote the section which had read as follows:

"The Authority may lease to Marriott International, Inc., or its designee, the real property described as lots 22 and 24, square 370, on the following terms and conditions:

- "(1) The lease term shall be 99 years, with no lease payments during construction up to a maximum of 3 years.
- "(2) An annual lease payment, beginning upon the opening of the new convention center hotel, equal to the debt service costs related to funding the parcel's purchase price, construction period interest, reserves, and issuance costs.
- "(3) Commencing in the 31st year of operation of the new convention center hotel, and for each year thereafter during the lease term, the lease payment shall be \$500,000, increased every 10 years by 5% thereafter.
- "(4) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the new convention center hotel.

"(5) The lease may be subordinated to a leasehold mortgage securing development financing for the lease."

D.C. Law 17-339 added pars. (5) and (6).

D.C. Law 17-353, in the credit, renumbered the section designation from § 703 to § 223.

D.C. Law 18-78 substituted "a portion of Lot 26 (formerly known as Lots 22 and 24), Square 370" for "Lots 22 and 24, Square 370".

Temporary Amendments of Section

Section 2(b) of D.C. Law 17-228 added pars. (5) and (6) to read as follows:

"(5) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the New Convention Center Hotel.

"(6) The lease may be subordinated to a leasehold mortgage securing development financing for the developer and may permit the issuance of a new lease upon foreclosure on the same terms and conditions as the prior lease."

Section 5(b) of D.C. Law 17-228 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) additions, see § 201 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 2(b) of New Convention Center Hotel Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-412, June 18, 2008, 55 DCR 7026).

For temporary (90 day) amendment of section, see § 2(b) of New Convention Center Hotel Combined Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-604, December 16, 2008, 56 DCR 17).

For temporary (90 day) amendment of section, see § 2(b) of New Convention Center Hotel Technical Amendments Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-28, March 16, 2009, 56 DCR 2319).

For temporary (90 day) addition, see § 2(c) of New Convention Center Hotel Technical Amendments Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-28, March 16, 2009, 56 DCR 2319).

For temporary (90 day) amendment of section, see § 2(f) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 16-163, see notes following § 10-1202.21

For Law 17-144, see notes following § 10-1202.01.

For Law 17-339, see notes following § 10-1202.22.

For Law 17-353, see notes following § 10-1016.

For Law 18-78, see notes following § 10-1202.01.

§ 10-1202.23A. USE OF NEW CONVENTION CENTER VAULT SPACE.

(a) Notwithstanding any other provision of law, with respect to the airspace located below the portion of N Street, N.W., between 7th and 9th Streets, N.W., the portion of 9th Street, N.W., between and including N Street, N.W., and Massachusetts Avenue, N.W., and the adjoining sidewalks abutting the new convention center in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to permit Marriott International, Inc., or its designee to:

(1) Use the new convention center's access ramp and associated driveways and entrances thereto for such purposes as may be authorized by the Authority;

(2) Construct, operate, and maintain within the airspace an access way from the new convention center's access ramp and associated driveways for the purpose of entering and exiting from the proposed loading docks of the new convention center hotel and such other purposes as may be authorized by the Authority; and

(3) Construct, operate, and maintain within such airspace a pedestrian connector between the new convention center hotel and the new convention center and for such other purposes as may be authorized by the Authority.

(b) The agreement regarding the pedestrian connector authorized under subsection (a) of this section may

provide that Marriott International, Inc., or its designee, shall be responsible for the operation and maintenance of the pedestrian connector and, if so provided, that the Authority shall pay 50% of the costs to operate and maintain the pedestrian connector.

(Sept. 28, 1994, Law 10-188, § 703a, as added Mar. 21, 2009, D.C. Law 17-339, § 2(c), 56 DCR 947.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

Section 2(a) of D.C. Law 17-294 added a section to read as follows:

"Sec. 703a. Use of new convention center vault space.

"(a) Notwithstanding any other provision of law, with respect to the airspace located below the portion of N Street, N.W., between 7th and 9th Streets, N.W., and 9th Street, N.W., between and including N Street, N.W., and Massachusetts Avenue, N.W., and the adjoining sidewalks abutting the new convention center in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to permit Marriott International, Inc., or its designee to:

"(1) Use the new convention center's access ramp and associated driveways;

"(2) Construct and maintain within such airspace access ways from the new convention center's access ramp and associated driveways for the purpose of entering and exiting from the proposed loading docks of the new convention center hotel and such other purposes as may be authorized by the Authority; and

"(3) Construct, operate, and maintain within such airspace a pedestrian connector between the new convention center hotel and the new convention center.

"(b) The agreement regarding the pedestrian connector authorized under subsection (a) of this section may provide that Marriott International, Inc., or its designee, shall be responsible for the operation and maintenance of the pedestrian connector and, if so provided, that the Authority shall pay 50% of the costs to operate and maintain the pedestrian connector."

Section 4(b) of D.C. Law 17-294 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(a) of New Convention Center Hotel Emergency Amendment Act of 2008 (D.C. Act 17-556, October 27, 2008, 55 DCR 12004).

For temporary (90 day) addition, see § 2(c) of New Convention Center Hotel Combined Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-604, December 16, 2008, 56 DCR 17).

Legislative History of Laws

For Law 17-339, see notes following § 10-1202.22.

§ 10-1202.23B. GRANT OF EASEMENTS OVER DISTRICT PROPERTY.

(a) Notwithstanding any other provision of law, with respect to the lots in Squares 400, 402, and 424 titled in the name of the District in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways and entrances thereto, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to grant, as an appurtenance to the new convention center hotel site (including any public or private alleys closed or to be closed in connection with the development of the new convention center hotel), the following easements and uses:

(1) An ingress and egress easement over and across the new convention center's access ramp and associated driveways and entrances thereto for such purposes as may be authorized by the Authority; and

(2) A temporary construction easement over the new convention center's access ramp and associated driveways and entrances thereto for the construction of a pedestrian connector between the new convention center hotel and the new convention center, together with an easement for ingress and egress over and through the pedestrian connector to and from the new convention center hotel and the new convention center and for such other purposes as may be authorized by the Authority.

(Sept. 28, 1994, Law 10-188, § 703b, as added Mar. 21, 2009, D.C. Law 17-339, § 2(c), 56 DCR 947.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2(c) of New Convention Center Hotel Combined Technical

Amendments Emergency Amendment Act of 2008 (D.C. Act 17- 604, December 16, 2008, 56 DCR 17).

Legislative History of Laws

For Law 17-339, see notes following § 10-1202.22.

§ 10-1202.24. AUTHORITY FOR VAULT SPACE PERMIT OR AIRSPACE LEASE.

Notwithstanding any other provision of law, the Mayor may issue a permit or airspace lease to Marriott International, Inc., or its designee, for vault space or airspace adjacent to the real property subject to the leases authorized by §§ 10-1202.22 and 10-1202.23, having a term not to exceed 99 years, or such longer period as may be otherwise determined by the Mayor, and at no additional rent or fee, except as may be otherwise determined by the Mayor, but otherwise in accordance with subchapters I and II of Chapter 11 of this title, as applicable. The recording of any airspace lease executed pursuant to this section among the land records of the District of Columbia shall be exempt from the recordation tax imposed by § 42-1103.

(Sept. 19, 2006, D.C. Law 16-163, § 704, as added Apr. 15, 2008, D.C. Law 17-144, § 3(e), 55 DCR 2527; Mar. 21, 2009, D.C. Law 17-339, § 2(d), 56 DCR 947; Oct. 22, 2009, D.C. Law 18-78, § 2(g), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-339 rewrote the section, which had read as follows:

"Notwithstanding any other provision of law, the Mayor is authorized to issue a permit for vault space adjacent to the real property subject to the lease referenced in §§ 10-1202.22 and 10-1202.23 in accordance with subchapter I of Chapter 11 of this title, coterminous with such lease and at no additional rent or fee."

D.C. Law 18-78 inserted "The recording of any airspace lease executed pursuant to this section among the land records of the District of Columbia shall be exempt from the recordation tax imposed by § 42-1103."

Temporary Amendments of Section

Section 2(c) of D.C. Law 17-228, at the end of the section heading, inserted "or airspace lease"; substituted "permit or lease" for "permit"; substituted "vault space or airspace" for "'vault space"; and substituted "and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), coterminous" for "coterminous".

Section 5(b) of D.C. Law 17-228 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 17-294 amended this section to read as follows:

"Sec. 704. Authority for vault space permit or airspace lease.

"Notwithstanding any other provision of law, the Mayor may issue a permit or airspace lease to Marriott International, Inc., or its designee, for vault space or airspace adjacent to the real property subject to the leases referenced in sections 702 and 703, having a term not to exceed 99 years, or such longer period as may be otherwise determined by the Mayor, and at no additional rent or fee, except as may be otherwise determined by the Mayor, but otherwise in accordance with the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), as applicable."

Section 4(b) of D.C. Law 17-294 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment, see § 2(c) of New Convention Center Hotel Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-412, June 18, 2008, 55 DCR 7026).

For temporary (90 day) amendment of section, see § 2(b) of New Convention Center Hotel Emergency Amendment Act of 2008 (D.C. Act 17-556, October 27, 2008, 55 DCR 12004).

For temporary (90 day) amendment of section, see § 2(d) of New Convention Center Hotel Combined Technical Amendments Emergency Amendment Act of 2008 (D.C. Act 17-604, December 16, 2008, 56 DCR 17).

For temporary (90 day) amendment of section, see § 2(d) of New Convention Center Hotel Technical Amendments Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-28, March 16, 2009, 56 DCR 2319).

For temporary (90 day) amendment of section, see § 2(g) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

For Law 17-144, see notes following § 10-1202.01.

For Law 17-339, see notes following § 10-1202.22.

For Law 18-78, see notes following § 10-1202.01.

PART D. EMINENT DOMAIN FOR HOTEL.

§ 10-1202.31. DEFINITIONS.

For the purpose of this part, the term:

(1) "New Convention Center Hotel Site" means the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W., Washington, D.C., and public alleys to be closed.

(2) "New Convention Center" means the comprehensive international trade and exhibition center constructed within the area bounded by 7th Street, N.W., N Street, N.W., 9th Street, N.W., and Mount Vernon Square, N.W., Washington, D.C.

(3) "New Convention Center Hotel" means a hotel to be constructed on the New Convention Center Hotel Site.

(Sept. 28, 1994, D.C. Law 10-188, § 231, formerly § 801, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17- 144, § 3(f), 55 DCR 2527; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(g), 56 DCR 1117; Oct. 22, 2009, D.C. Law 18-78, § 2(h), 56 DCR 6959; Sept. 26, 2012, D.C. Law 19-171, § 73(a), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote par. (1); and, in par. (3), substituted "New Convention Center Hotel Site" for "New Convention Hotel Site". Prior to amendment, par. (1) read as follows:

"(1) 'New Convention Center Hotel Site' means square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W., Washington, D.C., and lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, and square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., Washington, D.C., and public alleys to be closed."

D.C. Law 17-353, in the credit, renumbered the section designation from § 801 to § 231.

D.C. Law 18-78, in par. (1), substituted "Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370" for "Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370".

D.C. Law 19-171 made a technical amendment to D.C. Law 18-78, § 2(h), that did not change the text of the section.

Emergency Act Amendments

For temporary (90 day) addition, see § 201 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 2(h) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

Law 16-163, the "New Convention Center Hotel Omnibus Financing and Development Act of 2006", was introduced in Council and assigned Bill No. 16-630 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on May 2, 2006, and June 6, 2006, respectively. Signed by the Mayor on June 27, 2006, it was assigned Act No. 16-409 and transmitted to both Houses of Congress for its review. D.C. Law 16-163 became effective on September 19, 2006.

For Law 17-144, see notes following § 10-1202.01.

For Law 17-353, see notes following § 10-1016.

For Law 18-78, see notes following § 10-1202.01.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1202.32. FINDINGS.

The Council finds that:

- (1) The New Convention Center needs a New Convention Center Hotel adjacent to or in close proximity to the New Convention Center.
- (2) Repealed.
- (3) The construction and development of the New Convention Center Hotel will enable the Center to be more competitive in the convention market, attract increased business, provide for additional retail use, and enhance the financial viability of the Center.
- (4) The assemblage of properties within the New Convention Center Hotel Site is necessary to allow for the development of a New Convention Center Hotel.
- (5) The assemblage of properties in the New Convention Center Hotel site and the development of the New Convention Center Hotel is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District of Columbia.

(Sept. 28, 1994, D.C. Law 10-188, § 232, formerly § 802, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17- 144, § 3(g), 55 DCR 2527; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(h), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 repealed par. (2); rewrote par. (3); and, in par. (4), deleted "and for the expansion of the New Convention Center" from the end. Prior to amendment, pars. (2) and (3) read as follows:

"(2) The New Convention Center also needs to expand its meeting space and ballroom space on a site adjacent to or in close proximity to the New Convention Center.

"(3) The construction and development of the New Convention Center Hotel and the expansion of the New Convention Center would enable the Center to be more competitive in the convention market, attract increased business, provide for additional retail use, and enhance the financial viability of the Center. Expansion of the New Convention Center by the addition of meeting and ballroom space will also provide opportunity for private development within that space through the use of developable air space for residential uses."

D.C. Law 17-353, in the credit, renumbered the section designation from § 802 to § 232.

Emergency Act Amendments

For temporary (90 day) addition, see § 201 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1202.31

For Law 17-144, see notes following § 10-1202.01.

For Law 17-353, see notes following § 10-1016.

§ 10-1202.33. EMINENT DOMAIN.

(a) The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 to acquire properties in the New Convention Center Hotel Site to construct and develop the New Convention Center Hotel and such other real properties that the Mayor determines are necessary or convenient to construct a connection between the New Convention Center Hotel and the New Convention Center.

(b) The New Convention Center Hotel shall be constructed for the purpose of enhancing the New Convention Center and, to the extent the Mayor determines feasible, shall be physically connected to the New Convention Center, above or below grade, to permit direct access between the New Convention Center Hotel and the New Convention Center. The New Convention Center Hotel shall be located adjacent to or in close proximity to the New Convention Center and shall have approximately 1,100 rooms and suites, together with meeting and ballroom space, and other ancillary facilities, including retail, customarily found in similar convention center hotels.

(Sept. 28, 1994, D.C. Law 10-188, § 233, formerly § 803, as added Sept. 19, 2006, D.C. Law 16-163, § 201, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17- 144, § 3(h), 55 DCR 2527; renumbered Mar. 25, 2009, D.C. Law 17-353, § 122(i), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote the section, which had read as follows:

"(a) The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 to acquire properties in the New Convention Center Hotel Site to construct and develop the New Convention Center Hotel and for the purpose of expanding the New Convention Center by the addition of meeting and ballroom space for:

"(1) Private retail development within the New Convention Center Hotel Site; and

"(2) Private development of air space for residential condominiums above the additional meeting and ballroom space within the New Convention Center Site.

"(b) The New Convention Center Hotel shall be constructed for the purpose of enhancing and expanding the capacity of the New Convention Center. The New Convention Center Hotel shall be located adjacent to or in close proximity to the New Convention Center and shall have a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in similar convention center hotels."

D.C. Law 17-353, in the credit, renumbered the section designation from § 803 to § 233.

Emergency Act Amendments

For temporary (90 day) addition, see § 201 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1202.31

For Law 17-144, see notes following § 10-1202.01.

For Law 17-353, see notes following § 10-1016.

PART D-I. CONSTRUCTION OF THE CONVENTION CENTER HOTEL.

§ 10-1202.41. CONSTRUCTION CONTRACTING REQUIREMENTS.

(a) HQ Hotel, L.L.C., shall comply with the negotiated terms and conditions of the Certified Business Enterprise Utilization and Participation Agreement by and between the District of Columbia Department of Small and Local Business Development and HQ Hotel, L.L.C., which was agreed to and executed on May 1, 2009, and shall, at a minimum, contract with certified business enterprises for at least 35% of the adjusted development budget, as defined in the agreement, and require at least 20% non-institutional equity, as defined in the agreement, and 20% development participation of local, small, and disadvantaged business enterprises, all as subject to the terms of the agreement and applicable law.

(b) HQ Hotel, L.L.C., shall submit a certified business enterprises implementation forecasting plan to the Council on or before September 30, 2009. The plan shall include the following:

- (1) The total amount to be paid for the construction of the new convention center hotel;
- (2) The total amount to be expended for each construction division;
- (3) The amount of each contract in each construction division;
- (4) The contractor and the amount of the contract;
- (5) Each subcontractor and the amount of the contract for each subcontractor;
- (6) The certified business enterprises participation as contractor or subcontractor and the amount of the contracts;
- (7) The amount equal to the certified business enterprises participation goal of 35% of contractor or subcontractor contracts;
- (8) A method of tracking the certified business enterprises participation and the amount of each contract from committed, to awarded, to paid;
- (9) A method of monitoring the certified business enterprises participation against the certified business enterprises forecast;
- (10) A system of remediation for any shortfalls in the certified business enterprises participation; and
- (11) A senior manager with the general contractor that has operational responsibility for meeting the certified business enterprises participation for the construction of the new convention center hotel.

(Sept. 28, 1994, D.C. 10-188, § 901, as added Oct. 22, 2009, D.C. Law 18-78, § 2(i), 56 DCR 6959; renumbered § 241, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(2), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 redesignated § 901 of D.C. Law 10-188 as § 241 of D.C. Law 10- 188.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(i) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

Law 18-78, the "New Convention Center Hotel Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-310, which was referred to the Committees on Economic Development and Finance and Revenue. The bill was adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 12, 2009, it was assigned Act No. 18-185 and transmitted to both Houses of Congress for its review. D.C. Law 18- 78 became effective on October 22, 2009.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1202.42. FIRST SOURCE AGREEMENT REQUIRED.

HQ Hotel, L.L.C., shall enter into a First Source Agreement with the District that shall govern certain obligations of HQ Hotel, L.L.C., pursuant to § 2- 219.03 and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction of the new convention center hotel.

(Sept. 28, 1994, D.C. 10-188, § 902, as added Oct. 22, 2009, D.C. Law 18-78, § 2(i), 56 DCR 6959; renumbered § 242, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(3), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 redesignated § 902 of D.C. Law 10-188 as § 242 of D.C. Law 10- 188.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(i) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 18-78, see notes following § 10-1202.41.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1202.43. CONSTRUCTION APPRENTICESHIP PROGRAMS.

(a) HQ Hotel, L.L.C., shall enter into an agreement that requires that:

(1) Contractors and subcontractors participate in apprenticeship programs that:

(A) Meet the standards set forth in Chapter 11 of Title 7 of the District of Columbia Municipal Regulations;

(B) Have an apprenticeship program that is registered with the District of Columbia Apprenticeship Council;

(2)(A) At least 25% of the total journey workers hours performed on the construction of the new convention center hotel shall be performed by journey workers that are District residents.

(B)(i) If a contractor or subcontractor performing work on construction of the new convention center hotel is unable to identify and hire a bona fide District of Columbia resident for any of the trade work as a journey worker for the construction of the new convention center hotel, the contractor or subcontractor shall contact the Department of Employment Services ("DC DOES") to request a list of District residents for the work.

(ii) All journey workers identified by DC DOES that are District residents shall be referred to the contractor or subcontractor making the request.

(iii) If no District residents can be identified by DC DOES to fulfill the request for a journey worker after 48 hours, the contractor or subcontractor may employ applicants from any other available source.

(3)(A) At least 60% of all apprenticeship hours by trade performed pursuant to the apprenticeship

programs required by § 2-1431 shall be performed by District residents.

(B) The DC DOES Office of Apprenticeship may grant a waiver to a contractor or subcontractor if it is not able to meet the apprenticeship requirements by trade;

(4)(A) At least 60% of all skilled and unskilled laborer hours for the construction of the new convention center hotel shall be performed by District residents.

(B) For the purposes of this section, skilled laborer and unskilled laborers positions shall be defined by 40 U.S.C. §§ 3141 through 3144, 3146, and 3147;

(5)(A) Any contractor or subcontractor that fails to make a good faith effort to comply with the requirements of this section shall be subject to a monetary penalty in the amount of 5% of the direct or indirect labor costs of the contract.

(B) Penalties shall be imposed by the Mayor and all money collected from the penalties shall be deposited into the Get D.C. Residents Training for Jobs Now Career Technical Training Fund, established by § 6-1071(h)(1).

(b) The general contractor for the construction of the new convention center hotel shall deliver a workforce implementation plan to the Council on or before September 30, 2009. The plan shall include:

- (1) The total number of hours to be worked on the project by trade;
- (2) The total number of journey worker hours on the project and the total number of journey worker hours to be worked by District residents;
- (3) The total number of apprentice hours by trade and the total number of apprentice hours, by trade, to be worked by District residents;
- (4) The total number of skilled and unskilled laborer work hours to be worked and the total number of hours to be worked by District residents;
- (5) A timetable and critical path of the total work hours by trade for the construction of the new convention center hotel over 42 months;
- (6) Establishment of a workforce database of District residents that will provide contractors and subcontractors with a list of journey workers, apprentices, skilled laborers, and unskilled laborers;
- (7) A schedule for a stakeholders working group, including the Chair of the Committee on Economic Development, an Independent, At-Large Councilmember that serves on the Committee of Housing and Workforce Development, or their designees, and representatives from the First Source Agreement Program, the Office of Apprenticeship Information and Training, the Department of Small and Local Business Development, the Washington Convention Center Authority, HQ Hotel, L.L.C., and the general contractor to review and discuss the progress of the workforce mandates;
- (8) An established monitoring process, approved by DC DOES, of all contractors and subcontractors through their certified payrolls, which process shall include a monthly monitoring report including hours worked by District residents and the amount paid to District residents for each trade;
- (9) A remediation strategy to ameliorate any workforce problem encountered with contractors and subcontractors; and
- (10) A senior official from the general contractor who will be responsible for implementing the workforce mandates of this part.

(Sept. 28, 1994, D.C. 10-188, § 903, as added Oct. 22, 2009, D.C. Law 18-78, § 2(i), 56 DCR 6959; renumbered § 243, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(4), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 redesignated § 903 of D.C. Law 10-188 as § 243 of D.C. Law 10-188.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(i) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 18-78, see notes following § 10-1202.41.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1202.44. INTERNSHIP PROGRAM.

The operator of the new convention center hotel, the Hospitality High School of Washington, D.C., and the District of Columbia Hotel Association shall create an internship program for the Hospitality High School of

Washington, D.C., students at the new convention center hotel.

(Sept. 28, 1994, D.C. 10-188, § 904, as added Oct. 22, 2009, D.C. Law 18-78, § 2(i), 56 DCR 6959; renumbered § 244, Sept. 26, 2012, D.C. Law 19-171, § 73(b)(5), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 redesignated § 904 of D.C. Law 10-188 as § 244 of D.C. Law 10- 188.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(i) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 18-78, see notes following § 10-1202.41.

For history of Law 19-171, see notes under § 10-551.02.

PART E. MISCELLANEOUS.

§ 10-1203.01. [OMITTED]

§ 10-1203.02. [OMITTED]

§ 10-1203.03. [OMITTED]

§ 10-1203.04. [OMITTED]

§ 10-1203.05. AUDIT OF ACCOUNTS AND OPERATIONS.

(a) At least once every 3 fiscal years the District of Columbia Auditor, pursuant to the Auditor's duties under § 1-204.55(b), shall audit the accounts and operations of the Authority.

(b) On or before July 15 of each year in which there is outstanding any indebtedness issued by the Authority pursuant to this chapter, the District of Columbia Auditor shall prepare and deliver to the Mayor, the Council, the Chief Financial Officer of the District of Columbia, and the Chairman of the Authority a certification relating to the upcoming fiscal year of the District as to the sufficiency of the sum of the projected revenues from the following:

(1) The taxes imposed pursuant to §§ 47-2002.02 and 47-2202.01 and transferred to the Authority by the Mayor pursuant to §§ 47-2002.03 and 47-2202.02, as such tax revenues are estimated by the Office of Tax and Revenue for such upcoming fiscal year, which estimates shall be delivered by the Office of Tax and Revenue to the Authority on or prior to July 1 of such year, excluding from such estimate any amounts relating to any surtax imposed pursuant to subsection (c) of this section;

(2) The projected operating revenues of the Authority for such upcoming fiscal year contained in the most recent multiyear financial plan of the Board submitted pursuant to § 10-1202.06(g); and

(3) Any amounts on deposit in any reserve fund or account (other than any debt service reserve fund or account for indebtedness of the Authority), which are in excess of the required minimum balance for such fund or account, as certified by the Authority, to meet the sum of (i) projected operating and debt service expenditures and reserve requirements (other than amounts included in clause (ii) below) of the Authority for the upcoming fiscal year contained in the most recent multiyear financial plan of the Board submitted pursuant to § 10-1202.06(g), and (ii) any amounts required, as certified by the Authority, to restore any reserves relating to indebtedness of the Authority to their required minimum balance.

(c) If the certification delivered pursuant to subsection (b) of this section indicates that such projected revenues for the upcoming fiscal year are insufficient to meet such projected expenditures and reserve requirements (other than amounts included in clause (ii) of subsection (b)(3) of this section) and payments required to restore reserves relating to indebtedness of the Authority to their minimum required balance for the upcoming fiscal year, the Mayor shall impose a surtax, to become effective on or before the first day of the upcoming fiscal year, on the tax imposed pursuant to §§ 47-2002.02(1) and 47-2202.01(1) in an

amount equal to the difference between (i) the sum of the projected operating and debt service expenditures and reserve requirements (other than amounts included in clause (ii) of subsection (b)(3) of this section) and payments required to restore any reserves relating to indebtedness of the Authority to their minimum required balance, and (ii) the projected revenues described in subsection (b) of this section. Such surtax shall be effective only for such upcoming fiscal year.

(Sept. 28, 1994, D.C. Law 10-188, § 305, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(k), 45 DCR 4826; Dec. 7, 2004, D.C. Law 15-205, § 1192(c), 51 DCR 8441.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-831.

Effect of Amendments

D.C. Law 15-205, in subsec. (a), substituted "At least once every 3 fiscal years" for "On or before July 1 of each year,".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1192(c) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 1192(c) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

Legislative History of Laws

Law 12-142, the "Washington Convention Center Authority Financing Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-379, which was referred to the Committee on Economic Development and the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 2, 1998, and June 16, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-402 and transmitted to both Houses of Congress for its review. The legislation became effective on August 12, 1998, the date that the President of the United States signed P.L. 105-227, which waived the 30-day Congressional review period for this law.

For Law 15-205, see notes following § 10-831.

Effective Dates

For effective date of D.C. Law 12-142, see Historical and Statutory Notes following § 10-1202.01.

Editor's Notes

Section 2(k) of D.C. Law 12-142, effective August 12, 1998, pursuant to § 2 of Pub. L. 105-227, 112 Stat. 1515, recodified and amended § 305 of D.C. Law 10-188 to be this section.

Miscellaneous Notes

Application of Law 12-142: Section 4 of Law 12-142 provided that § 2(k) of the act shall apply as of October 1, 1998.

§ 10-1203.06. EXPIRATION PROVISIONS.

(a) Repealed.

(b) Sections 301, 302, 303, and 304 shall apply as of October 1, 1997.

(Sept. 28, 1994, D.C. Law 10-188, § 306, 41 DCR 5333; Aug. 12, 1998, D.C. Law 12-142, § 2(l)(1), 45 DCR 4826.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-832.

References in Text

"Sections 301, 302, 303, and 304," referenced in (b), refer to §§ 301, 302, 303 and 304 of D.C. Law 10-188, effective September 28, 1994.

§ 10-1203.07. COLLECTION AND TRANSFER OF TAXES TO WASHINGTON CONVENTION CENTER FUND.

(a) Notwithstanding any other law, surtaxes and dedicated taxes shall be collected by the Mayor, pursuant to §§ 47-1807.02(a)(4), 47-1807.02a, 47-1808.03(a)(4), 47-1808.03a, 47-2002.02, 47-2002.03, 47-2202.01, 47-2202.02, the provisions of which are incorporated by reference in this section, and transferred to the Washington Convention Center Fund for the purposes set forth in § 10-1202.08 until any of these provisions are repealed by legislation enacted after September 27, 1996.

(b) This section shall apply as of September 27, 1996.

(Sept. 28, 1994, D.C. Law 10-188, § 307, as added Apr. 20, 1999, D.C. Law 12-264, § 21, 46 DCR 2118; Mar. 3, 2010, D.C. Law 18-111, § 2081(r), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 9-833.

Effect of Amendments

D.C. Law 18-111, in the section heading and subsec. (a), deleted "Authority" following "Center".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2081(r) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2081(r) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 18-111, see notes following § 10-303.

§ 10-1211. ESTABLISHMENT.

Recodified as § 10-1271.

(Nov. 3, 1979, D.C. Law 3-36, § 3, 26 DCR 1439; Dec. 21, 1985, D.C. Law 6-74, § 3(a), 32 DCR 6475; May 10, 1989, D.C. Law 7-231, § 23, 36 DCR 492; Mar. 6, 1991, D.C. Law 8-199, § 2, 37 DCR 7332.)

§ 10-1212. DUTIES AND RESPONSIBILITIES.

Recodified as § 10-1272.

(Nov. 3, 1979, D.C. Law 3-36, § 4, 26 DCR 1439; Dec. 21, 1985, D.C. Law 6-74, § 3(b), 32 DCR 6475; Nov. 5, 1990, 104 Stat. 2237, Pub. L. 101-518, § 136.)

§ 10-1213. FINDINGS. [REPEALED]

Recodified as § 10-1273.

(Sept. 28, 1994, D.C. Law 10-188, § 401, 41 DCR 5333.)

§§ 10-1214 TO 10-1220. DUTIES AND RESPONSIBILITIES OF GENERAL MANAGER; WASHINGTON CONVENTION CENTER FUND--ESTABLISHED; LIMITATION ON ASSETS; DEPOSITS; EXPENDITURES; BILLINGS AND COLLECTIONS; TRANSFER OF EXCESS OPERATING PROFITS; ANTIDEFICIENCY ACT APPLICABLE; ANNUAL AUDIT; REPORT; CONFLICT OF INTEREST; ANNUAL REPORT; APPROPRIATIONS; MERIT SYSTEM INAPPLICABLE. [REPEALED]

Recodified as §§ 10-1274 to 10-1280.

(Sept. 28, 1994, D.C. Law 10-188, § 401, 41 DCR 5333.)

SUBCHAPTER II. NEW CONVENTION CENTER HOTEL FINANCING.

§ 10-1221.01. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Authority" means the Washington Convention Center Authority established under subchapter I of this chapter.
- (2) "Authorized Delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this subchapter pursuant to § 1-204.22(6).
- (3) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47, including any penalties and interest charges, exclusive of the special tax provided for in § 1-204.81 of the Home Rule Act and pledged to payment of general obligation indebtedness of the District.
- (4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to § 10-1202.08.
- (5) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the New Convention Center Hotel TIF Area in any fiscal year of the District, less the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the New Convention Center Hotel TIF Area in the base year.
- (6) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.
- (7) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) authorized to be issued pursuant to this subchapter.
- (8) "Chief Financial Officer" means the Chief Financial Officer established pursuant to § 1-204.24a(a).
- (9) "City Administrator" means the City Administrator established pursuant to § 1-204.22(7).
- (10) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.
- (11) "D.C. Citizens' Job Program" means a job training and hiring program which complies with the conditions stated in § 10-1221.05(a)(2).
- (12) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds, including any offering document, and any required supplements to any such documents.
- (13) "Home Rule Act" means Chapter 2 of Title 1.
- (14) "New Convention Center Hotel" means a hotel to be constructed on the New Convention Hotel Site.
- (15) "New Convention Center Hotel Fund" means the nonlapsing fund established under § 10-1221.03.
- (16) "New Convention Center Hotel Site" means the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N. W.
- (17) "New Convention Center Hotel TIF Area" means the area designated for the TIF established pursuant to § 10-1221.04 and defined therein.
- (18) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having approximately 1,100 rooms and suites, meeting and ballroom space, and other ancillary facilities customarily found in convention center hotels.
- (19) "TIF" means tax increment financing.
- (20) "Washington Convention Center Authority Act" means subchapter I of this chapter.

(Sept. 19, 2006, D.C. Law 16-163, § 101, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 2(a), 55 DCR 2527; Oct. 22, 2009, D.C. Law 18-78, § 3(a), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote pars. (16) and (18) which had read as follows:

"(16) 'New Convention Center Hotel Site' means the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W."

"(18) 'Project' means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in convention center hotels."

D.C. Law 18-78 rewrote par. (16), which had read as follows:

"(16) 'New Convention Center Hotel Site' means the real property located in Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W."

Emergency Act Amendments

For temporary (90 day) addition, see § 101 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 3(a) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

Law 16-163, the "New Convention Center Hotel Omnibus Financing and Development Act of 2006", was introduced in Council and assigned Bill No. 16-630 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on May 2, 2006, and June 6, 2006, respectively. Signed by the Mayor on June 27, 2006, it was assigned Act No. 16-409 and transmitted to both Houses of Congress for its review. D.C. Law 16-163 became effective on September 19, 2006.

For Law 17-144, see notes following § 10-1202.01.

For Law 18-78, see notes following § 10-1202.01.

Delegation of Authority

Delegation of Authority to Dispose of Real Property Comprising a Portion of the Old convention Center Site, to Acquire Real Property for the New Convention Center Hotel Site, and to Lease Teal Property for the New Convention Center Hotel, see Mayor's Order 2007-194, August 20, 2007 (54 DCR 11631).

§ 10-1221.02. FINDINGS.

The Council finds that:

(1) A new hotel is required at the intersection of Ninth Street and Massachusetts Avenue, N.W., to support the operations of the Washington Convention Center and to enhance the economic benefits to the District of the Washington Convention Center. The construction and development of the New Convention Center Hotel would enable the Washington Convention Center to be more competitive in the convention market, enable it to attract increased business, and enhance the financial viability of the Washington Convention Center. The development of the New Convention Center Hotel is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District.

(2) Section 1-204.90 provides that the Council may, by act, authorize the issuance of District revenue bonds, notes, or other obligations, including refunding bonds, notes, or other obligations, to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in § 1-204.90 where the ultimate obligation to repay such revenue bonds, notes, or other obligations is that of one or more governmental persons or entities.

(3) Section 1-204.90 provides that bonds may be issued to assist in undertakings in the area of economic development.

(4) The authorization, issuance, sale, and delivery of bonds for the payment of costs of the project are desirable, are in the public interest and will promote the purposes and intent of § 1-204.90.

(Sept. 19, 2006, D.C. Law 16-163, § 102, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 2(b), 55 DCR 2527.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144, in par. (1), deleted "and the expansion of the Washington Convention Center" following "development of the New Convention Center Hotel", and deleted "provide for additional retail use," following "increased business,".

Emergency Act Amendments

For temporary (90 day) addition, see § 102 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For Law 16-163, see notes following § 10-1221.01.

For Law 17-144, see notes following § 10-1202.01.

§ 10-1221.03. CREATION OF THE NEW CONVENTION CENTER HOTEL FUND.

(a) There is hereby established separate and apart from the General Fund of the District of Columbia a special nonlapsing fund designated as the New Convention Center Hotel Fund. The Chief Financial Officer shall deposit into the New Convention Center Hotel Fund the Available Tax Increment. The Chief Financial Officer shall create a sub-account within the New Convention Center Hotel Fund for Available Real Property Tax Revenues and Available Sales Tax Revenues and shall allocate the receipts from each to the appropriate sub-account. The Mayor may pledge and create a security interest in the funds in the New Convention Center Hotel Fund, or any sub-account or sub-accounts within the Fund, for the payment of the costs of carrying out any of the purposes described in subsection (b) of this section without further action by the Council as permitted by § 1-204.90(f). If bonds are issued, payment will be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(b)(1) The funds in the New Convention Center Hotel Fund may be used as follows:

(A) To secure the repayment of the bonds; and

(B) To finance, refinance, or reimburse the District or any instrumentality of the District for costs of the project.

(2)(A) If the New Convention Center Hotel Fund has funds in excess of the amount required for any purpose described in this subsection, the excess shall be transferred as follows:

(i) Until the Authority has been reimbursed in full for the Additional WCCA Funding, the first \$1 million of such excess in any fiscal year of the District shall be transferred to the Authority; and

(ii) Following any transfer to the Authority required by sub-subparagraph (i) of this subparagraph, if there are excess funds in the New Convention Center Hotel Fund, 50% of the excess shall be transferred annually to the Authority to promote tourism in the District, Washington Convention Center neighborhood development, hospitality job training and readiness programs, and other needs of the Washington Convention Center and 50% of the excess shall be transferred to the General Fund of the District of Columbia pursuant to subsection (c) of this section.

(B) For the purposes of this section, the term "Additional WCCA Funding" means the payment of \$25 million to the developer of the New Convention Center Hotel for the costs of the development and construction of the New Convention Center Hotel not paid from the proceeds of the bonds or the \$22 million payment by the Authority.

(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the New Convention Center Hotel Fund exceeds the amounts required under subsection (b) of this section, including the amount of debt service and reserves on the bonds, the excess shall be transferred to the General Fund of the District of Columbia, unless the District elects to use the excess to redeem the bonds prior to maturity, either in whole or in part.

(Sept. 19, 2006, D.C. Law 16-163, § 103, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 2(c), 55 DCR 2527; Oct. 22, 2009, D.C. Law 18-78, § 3(b), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote subsec. (c) which had read as follows:

"(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the New Convention Center Hotel Fund exceeds the amounts required under subsection (b) of this section, including the amount of debt service and reserves on the bonds during the upcoming fiscal year, the excess shall be transferred to the General Fund of the District of Columbia."

D.C. Law 18-78 rewrote subsec. (b)(2), which had read as follows:

"(2) If the New Convention Center Hotel Fund has funds in excess of the amount required for any purpose described in this subsection, 50% of such excess shall be transferred annually to the Authority to promote tourism in the District, Washington Convention Center neighborhood development, hospitality job training and readiness programs, and other needs of the Washington Convention Center."

Emergency Act Amendments

For temporary (90 day) addition, see § 103 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 3(b) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

For Law 17-144, see notes following § 10-1202.01.

For Law 18-78, see notes following § 10-1202.01.

§ 10-1221.04. CREATION OF THE NEW CONVENTION CENTER HOTEL TIF AREA.

(a) There is created a TIF area designated as the New Convention Center Hotel TIF Area. The New Convention Center Hotel TIF Area is defined as the real property located in Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370, bounded by 9th Street, N.W., 10th Street, N.W., L Street, N.W., and Massachusetts Avenue, N.W. As provided under § 10-1221.03, the Available Tax Increment from the New Convention Center Hotel TIF Area shall be deposited in the New Convention Center Hotel Fund and may be used as provided herein, including as security for the repayment of the bonds.

(b) The base year for determination of Available Sales Tax Revenues from the New Convention Center Hotel TIF Area shall be the tax year preceding the year when this subchapter becomes effective and the base year for determination of Available Real Property Tax Revenues from the New Convention Center Hotel TIF Area shall be the fiscal year of the District when this subchapter becomes effective and the initial assessed value to be used in making such determination shall be the assessed value of each lot of taxable real property in the New Convention Center Hotel TIF Area on September 19, 2006.

(Sept. 19, 2006, D.C. Law 16-163, § 104, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 2(d), 55 DCR 2527; Oct. 22, 2009, D.C. Law 18-78, § 3(c), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 rewrote subsec. (a), which had read as follows:

"(a) There is hereby created a TIF area designated as the New Convention Center Hotel TIF Area. The New Convention Center Hotel TIF Area is defined as the real property located in lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., and square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W. As provided under § 10-1221.03, the Available Tax Increment from the New Convention Center Hotel TIF Area shall be deposited in the New Convention Center Hotel Fund and may be used as provided therein, including as security for the repayment of the bonds."

D.C. Law 18-78, in subsec. (a), substituted "Lot 26 (formerly known as Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845), Square 370" for "Lots 18, 21, 22, 24, 801 through 806, 830 through 839, 843, and 845, Square 370".

Emergency Act Amendments

For temporary (90 day) addition, see § 104 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 3(c) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

For Law 17-144, see notes following § 10-1202.01.

For Law 18-78, see notes following § 10-1202.01.

§ 10-1221.05. BOND AUTHORIZATION.

(a) The Council approves and authorizes the issuance to the Authority of bonds in an aggregate amount sufficient to provide net proceeds as follows:

(1) An amount not to exceed \$159 million for the costs of the project; and

(2) The amount of \$2 million for the D.C. Citizens' Job Program; provided, that:

(A) The program shall begin no later than 2 years before the completion of the construction of the New Convention Center Hotel.

(B) The program shall train and hire citizens of the District for permanent employment positions in the New Convention Center Hotel.

(C) The development, administration, and oversight of the program shall be the responsibility of the Authority.

(D) The Authority shall ensure that Marriott International, Inc.; representatives of organized labor; ONE DC (formerly known as Manna CDC), a community development corporation organized in the District; and other community organizations which have demonstrated experience in providing effective job training and placement in hospitality industry jobs participate in the development of the program.

(E) The program shall be designed to provide job-specific training which meets the specifications of positions to be filled at the New Convention Center Hotel and shall provide that District citizens who successfully complete the training be given first consideration for the jobs for which they have been trained.

(b) The bonds shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by funds in the New Convention Center Hotel Fund (or the portion of such funds as shall be determined in accordance with the terms of the bonds for the payment of debt service on the bonds).

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, bond insurance or other credit enhancement, marketing and selling the bonds, and printing costs and expenses.

(Sept. 19, 2006, D.C. Law 16-163, § 105, 53 DCR 5430; Oct. 22, 2009, D.C. Law 18-78, § 3(d), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-78, in the lead-in text of subsec. (a), substituted "sufficient to provide net proceeds" for "not to exceed \$187 million. The net proceeds shall be used"; and rewrote subsec. (a)(1), which had read as follows:

"(1) The amount of \$134 million for the costs of the project; and".

Emergency Act Amendments

For temporary (90 day) addition, see § 105 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For temporary (90 day) amendment of section, see § 3(d) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

For Law 18-78, see notes following § 10-1202.01.

§ 10-1221.06. BOND DETAILS.

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

- (1) The final form, content, designation, and terms of the bonds;
- (2) The principal amount of the bonds to be issued and denominations of the bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, or called;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds; and

(8) The time and place of payment of the bonds.

(b) The bonds shall contain a legend which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District (other than the taxes and fees allocated to the New Convention Center Hotel Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in § 1-206.02(a)(2).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

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

(e) The bonds are declared to be issued for essential public and governmental purposes. The bonds, the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(f) The District does hereby pledge, covenant, and agree with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way, the exemptions from taxation provided for in this subchapter, until the bonds, together with interest thereon, and all costs and expenses in connection with any suit, action or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this subchapter, this subchapter shall be controlling.

(Sept. 19, 2006, D.C. Law 16-163, § 106, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 106 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

§ 10-1221.07. ISSUANCE OF THE BONDS.

(a) The bonds shall be issued as a TIF note to the Authority and may be held and used as security for bonds to be issued by the Authority.

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

(Sept. 19, 2006, D.C. Law 16-163, § 107, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 107 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

§ 10-1221.08. PAYMENT AND SECURITY.

Except as may be otherwise provided in this subchapter, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District and deposited in the New Convention Center Hotel Fund, and income realized from the temporary investment of those receipts and revenues.

(Sept. 19, 2006, D.C. Law 16-163, § 108, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 108 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

§ 10-1221.09. FINANCING AND CLOSING DOCUMENTS.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

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

(d) Unit A of Chapter 3 of Title 2 and subchapter III-A of Chapter 3 of Title 47 shall not apply to the Financing Documents, Closing Documents, and any other contract the Mayor may from time to time enter into in connection with the Project.

(Sept. 19, 2006, D.C. Law 16-163, § 109, 53 DCR 5430; Apr. 15, 2008, D.C. Law 17-144, § 2(e), 55 DCR 2527.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-144 added subsec. (d).

Emergency Act Amendments

For temporary (90 day) addition, see § 109 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

For Law 17-144, see notes following § 10-1202.01.

§ 10-1221.10. LIMITED LIABILITY.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the Available Tax Increment from the New Convention Center Hotel TIF Area), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in § 1-206.02(a)(2).

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

(Sept. 19, 2006, D.C. Law 16-163, § 110, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 110 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

For Law 16-163, see notes following § 10-1221.01.

§ 10-1221.11. DISTRICT OFFICIALS.

(a) Except as otherwise provided in § 10-1221.10(b), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subchapter, the bonds, the Financing Documents, or the Closing Documents.

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

(Sept. 19, 2006, D.C. Law 16-163, § 111, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 111 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

§ 10-1221.12. MAINTENANCE OF DOCUMENTS.

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

(Sept. 19, 2006, D.C. Law 16-163, § 112, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 112 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01.

§ 10-1221.13. INFORMATION REPORTING.

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

(Sept. 19, 2006, D.C. Law 16-163, § 113, 53 DCR 5430.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 113 of New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006 (D.C. Act 16-404, June 26, 2006, 53 DCR 5404).

Legislative History of Laws

For Law 16-163, see notes following § 10-1221.01

§ 10-1221.14. RECOVERY ZONE DESIGNATION.

(a) The Mayor may designate recovery zones pursuant to sections 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue Code of 1986, approved February 17, 2009 (123 Stat. 348; 26 U.S.C. §§ 1400U-1, 1400U-2, and 1400U-3).

(b) Square 370, having been determined to be an area of general distress, is designated as a recovery

zone.

(Sept. 19, 2006, D.C. 16-133, § 113a, as added Oct. 22, 2009, D.C. Law 18- 78, § 3(e), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3(e) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 18-78, see notes following § 10-1202.01.

§ 10-1221.15. FEDERAL RECOVERY ACT REIMBURSEMENT REQUIREMENT.

If the District or the Authority receive reimbursement, subsidy, or TIF debt service relief in excess of the funds required by the bond covenant authorized by this subchapter, pursuant to the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note), the revenue and relief shall be credited to the District and shall be deposited in the General Fund of the District of Columbia.

(Sept. 19, 2006, D.C. 16-133, § 113b, as added Oct. 22, 2009, D.C. Law 18- 78, § 3(e), 56 DCR 6959.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 3(e) of New Convention Center Hotel Emergency Amendment Act of 2009 (D.C. Act 18-186, August 12, 2009, 56 DCR 6967).

Legislative History of Laws

For Law 18-78, see notes following § 10-1202.01.

SUBCHAPTER III. WASHINGTON CONVENTION CENTER BOARD OF DIRECTORS .[REPEALED]

PART A. GENERAL.[REPEALED]

§ 10-1271. ESTABLISHMENT.[REPEALED]

(Nov. 3, 1979, D.C. Law 3-36, § 3, 26 DCR 1439; Dec. 21, 1985, D.C. Law 6-74, § 3(a), 32 DCR 6475; May 10, 1989, D.C. Law 7-231, § 23, 36 DCR 492; Mar. 6, 1991, D.C. Law 8-199, § 2, 37 DCR 7332; Mar. 3, 2010, D.C. Law 18-111, § 2082(l), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 10-1211.

1981 Ed., § 9-602.

1973 Ed., § 9-602.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 2082(l) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) repeal of section, see § 2082(l) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 3-36, see Historical and Statutory Notes following § 10-1213.

Law 6-74, the "Fiscal Year 1986 Follow-Through Act of 1985," was introduced in Council and assigned Bill No. 6-206, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on July 9, 1985 and October 8, 1985, respectively. Approved without the signature of the Mayor on October 29, 1985, it was assigned Act No. 6-98 and transmitted to both Houses

of Congress for its review.

Law 7-231, the "Technical Amendments Act of 1988," was introduced in Council and assigned Bill No. 7-586 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

Law 8-199, the "Washington Convention Center Management Act of 1979 Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-447, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on October 9, 1990, and October 23, 1990, respectively. Signed by the Mayor on November 8, 1990, it was assigned Act No. 8-262 and transmitted to both Houses of Congress for its review.

For Law 18-111, see notes following § 10-303.

§ 10-1272. DUTIES AND RESPONSIBILITIES.[REPEALED]

(Nov. 3, 1979, D.C. Law 3-36, § 4, 26 DCR 1439; Dec. 21, 1985, D.C. Law 6-74, § 3(b), 32 DCR 6475; Nov. 5, 1990, 104 Stat. 2237, Pub. L. 101-518, § 136; Mar. 3, 2010, D.C. Law 18-111, § 2082(l), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 10-1212.

1981 Ed., § 9-603.

1973 Ed., § 9-603.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 2082(l) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) repeal of section, see § 2082(l) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 3-36, see Historical and Statutory Notes following § 10-1213.

For legislative history of D.C. Law 6-74, see Historical and Statutory Notes following § 10-1211.

For Law 18-111, see notes following § 10-303.

Transfer of Functions

The functions of the Department of General Services were transferred, in part, to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984, and transferred, in part, to the Department of Administrative Services by Reorganization Plan No. 5 of 1983, effective March 1, 1984.

Miscellaneous Notes

Council's desire not to approve proposed food service contract: Pursuant to Resolution 7-148, the "Washington Convention Center Food Service Contract Resolution of 1987," effective November 10, 1987, the Council expressed its desire not to approve a proposed food service contract entered into between the Convention Center Board of Directors and Service America Concessions Corporation/National Business Services Enterprises, Inc., dated September 23, 1986, and submitted to Council by the Convention Center Board of Directors on October 6, 1987, and the Council recommended that the food service contract be rebid.

PART B. REPEALED PROVISIONS.

§ 10-1273. FINDINGS.[REPEALED]

(Sept. 28, 1994, D.C. Law 10-188, § 401, 41 DCR 5333.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 10-1213.

1981 Ed., § 9-601.

Legislative History of Laws

Law 10-188, the "Washington Convention Center Authority Act of 1994," was introduced in Council and assigned Bill No. 10-527, which was referred to the Committee on Economic Development and Sequential to the Committee of the Whole. The Bill was adopted on first and second readings on July 5, 1994, and July 19, 1994, respectively. Signed by the Mayor on August 2, 1994, it was assigned Act No. 10-314 and transmitted to both Houses of Congress for its review. D.C. Law 10-188 became effective on September 28, 1994.

Miscellaneous Notes

Repeal of Washington Convention Center Management Act: Section 401 of D.C. Law 10-188 provided that all sections of the Washington Convention Center Management Act of 1979, effective November 3, 1979, except for §§ 3 and 4, which are codified as §§ 10-1211 and 10-1212, are repealed.

§§ 10-1274 TO 10-1280. DUTIES AND RESPONSIBILITIES OF GENERAL MANAGER; WASHINGTON CONVENTION CENTER FUND--ESTABLISHED; LIMITATION ON ASSETS; DEPOSITS; EXPENDITURES; BILLINGS AND COLLECTIONS; TRANSFER OF EXCESS OPERATING PROFITS; ANTIDEFICIENCY ACT APPLICABLE; ANNUAL AUDIT; REPORT; CONFLICT OF INTEREST; ANNUAL REPORT; APPROPRIATIONS; MERIT SYSTEM INAPPLICABLE. [REPEALED]

(Sept. 28, 1994, D.C. Law 10-188, § 401, 41 DCR 5333.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., §§ 10-1214 to 10-1220.

1981 Ed., §§ 9-604 to 9-610.

Legislative History of Laws

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1213.

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 10-1213.

Miscellaneous Notes

Repeal of Washington Convention Center Management Act: See Historical and Statutory Notes following § 10-1213.