

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 11-180

"Establishment of the John A. Wilson Building Foundation Act of 1996".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-503, on first and second readings, June 4, 1996 and July 3, 1996, respectively. Following the signature of the Mayor on July 22, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-331, and published in the August 9, 1996, edition of the D.C. Register (Vol. 43 page 4246) and transmitted to Congress on January 10, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-180, effective April 9, 1997.



CHARLENE DREW JARVIS
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar. 3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr. 7,8

AN ACT
D.C. ACT 11-331

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 22, 1996

To establish the John A. Wilson Building Foundation, a nonprofit corporation, for the purpose of developing long-term plans for the use of the Wilson Building and to develop long-range fundraising plans to pay for the renovation of the Wilson Building.

**New
Subchapter
II,
Chapter 7,
Title 9**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Establishment of the John A. Wilson Building Foundation Act of 1996".

Sec. 2. The Council of the District of Columbia finds that:

(1) Pursuant to section 601 of the Omnibus Spending Reduction Act of 1993, effective November 25, 1993 (D.C. Law 10-65; D.C. Code § 9-701), the Council has the exclusive authority to determine the use, management, maintenance, operation, repair, renovation, security, lease, and sale or other disposition of the building located at 1350 Pennsylvania Avenue, N.W., known as the John A. Wilson Building ("Wilson Building").

**New, Section
9-731**

(2) The Wilson Building is the traditional seat of local government located on Pennsylvania Avenue, the "Main Street" of the Nation's Capital, and a source of pride and hope for our District residents.

(3) The Wilson Building is in need of renovation and restoration and contains environmental conditions which should be eliminated to provide a safe and healthy working environment and to ensure compliance with all federal and local building regulations.

(4) Because of the current fiscal state of the District government, funds are not available to make expenditures estimated at \$47.1 million to \$60 million to renovate and restore the Wilson Building.

Sec. 3. Establishment of the Wilson Building Foundation.

(a) There is established in the District of Columbia the John A. Wilson Building Foundation ("Foundation"), a private-public nonprofit corporation.

**New, Section
9-732**

(b) The purposes of the Foundation are:

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- (1) To develop a long-range plan for the use of the Wilson Building by the District government and by the public; and
- (2) To develop and implement a fundraising plan to pay for the renovation and restoration of the Wilson Building.

Sec. 4. Special Trust Fund.

New, Section
9-733

- (a) There is established a special trust fund to be known as the Renovation Development Trust Fund ("Fund").
- (b) The Foundation shall be responsible for administering the Fund.
- (c) The monies deposited into the Fund shall not be a part of, nor lapse into, the General Fund of the District.
- (d) Monies in the Fund may derive from any of the following sources:
 - (1) Private donations;
 - (2) Federal grants;
 - (3) Other funds received by the Foundation; and
 - (4) Interest or other investment earnings on monies deposited in the Fund.
- (e) The Foundation shall ensure that monies deposited in the Fund earn the highest and safest rate of return as practicable.
- (f) The Fund shall be used for the following purposes:
 - (1) As collateral or direct financing for the complete renovation and restoration of the Wilson Building; and
 - (2) To buy out the remaining balance of any loan negotiated between Washington Development Group, Inc., and any financial institution for the renovation and restoration of the Wilson Building, as the Council may direct pursuant to the Endorsement of the Establishment of the John A. Wilson Building Foundation and Washington Development Group, Inc., Development Plan Conditional Approval Resolution of 1995 (Resolution 11-172; 42 DCR 6428), effective November 24, 1995.
- (g) No more than 15% of the monies deposited in the Fund may be used by the Foundation for operating expenses of the Foundation, including the cost of maintaining the Fund.
- (h) If within 1 year of the effective date of this act, the Foundation has not raised over \$1 million in funds, all funds remaining in the Fund at that time shall be returned to the donors or grantors on a pro rata basis minus the administrative costs limited by subsection (g) of this section associated with returning the monies.

Sec. 5. Establishment of Board of Directors.

New, Section
9-734

- (a) A Board of Directors ("Board") is established to meet the objectives of the Foundation and to administer the Fund.
- (b) The Board shall be composed of residents of the District of Columbia who are collectively representative of the geographical, ethnic, economic, and social diversity of the

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District of Columbia. Advisory committees and subcommittees that may be established by the Foundation may be composed of residents and nonresidents of the District.

(c) The Board shall be composed of the following members:

(1) One member appointed by each member of the Council, with the chairperson of the Board appointed by the Chairman of the Council;

(2) The Secretary to the Council;

(3) The Archivist of the District of Columbia;

(4) A representative of the Historical Society of Washington, D.C.;

(5) A representative of the D.C. Preservation League;

(6) A representative of the National Trust for Historic Preservation;

(7) A representative designated by the Mayor of the District of Columbia; and

(8) A representative designated by the John A. Wilson family.

(d) The Board shall:

(1) Have the power to adopt, amend, or repeal by-laws for operation of the Foundation;

(2) Meet not less than quarterly at times to be determined;

(3) Prepare and submit to the Council quarterly reports on the progress on the Foundation's fundraising;

(4) Be authorized to hire staff; and

(5) Be authorized to exercise all powers conferred upon a nonprofit corporation pursuant to the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code § 29-501 *et seq.*).

Sec. 6. Administration of the foundation.

New, Section
9-735

The Secretary to the Council is responsible for the administration of the Foundation. No more than 15% of the total funds raised in any given year can be used for the administrative support, including staff, supplies, and promotional activities of the Foundation.

Sec. 7. Sunset provision.

New, Section
9-736

If the Foundation has returned monies deposited in the Fund pursuant to section 4(h), the Foundation shall cease all operations.

Sec. 8. Fiscal Impact.

Enactment of the Establishment of the John A. Wilson Building Foundation Act of 1996 is not expected to have any adverse fiscal impact upon the District of Columbia government. The purpose of this act, like the purpose of the related Wilson Building development plan approved by Council Resolution 11-172, is to ensure that neither the District government nor the Council will be subject to any financial responsibilities associated with the renovation and restoration of the Wilson Building. The District has neither operating nor capital funds necessary to address serious environmental and structural deficiencies which have existed in the

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Wilson Building for several years and which continue to worsen.

Under the development plan approved by Council Resolution 11-172, the entire cost of renovation, restoration, temporary Council relocation, and future operational costs of the Wilson Building will be covered by the financing to be collateralized by the General Services Administration ("GSA") lease of a part of a renovated and expanded Wilson Building. The development plan will preserve and modernize an historic asset of the District government at no cost to the District. Moreover, because the District government currently pays approximately \$680,000 for the annual cost of maintenance and operations of the Wilson Building, the development plan will result in a substantial positive fiscal impact upon the District government.

If sufficient funds are raised by the Foundation to buy out or substitute for the financing to be collateralized by a GSA lease, then additional District-government owned space will be available for occupancy by District agencies which are currently leasing space, which would result in an undetermined amount of positive fiscal impact upon the District.

Although section 6 of this act provides the Secretary to the Council with the responsibility for administering the Foundation, the costs of such administration either will be derived from the funds to be raised by the Foundation or will be absorbed by the Council within its overall budget.

The contribution of funds to the Foundation would be tax deductible. In the unlikely event that such contributions were above and beyond the ordinary contribution levels of residents and businesses in the District, such tax deductible contributions could result in the loss of tax revenues to the District. Under the worst case scenario of this unlikely event, if \$40 million were raised for the Foundation from contributions from District residents or businesses, and if all of this \$40 million in tax deductible contributions would not have been made for other charitable purposes if the Foundation did not exist, then the loss of tax revenues from such contributions could be as high as \$3.8 million, assuming a 9.5% tax rate for District residents and businesses contributing to the Foundation.

Sec. 9. Effective date.

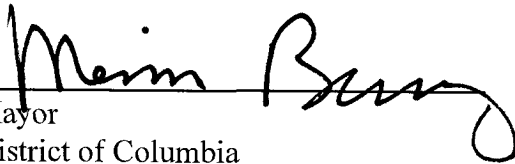
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3 (a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

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Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 22, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-503

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 6-4-96

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

EVANS AND CHAVOUS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Philip Jones
Secretary to the Council

July 10, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 7-3-96

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

CHAVOUS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Philip Jones
Secretary to the Council

July 10, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date