

OFFICE OF  
**MARY M. CHEH**

Councilmember, Ward 3 | Chair, Committee on Transportation & the Environment

**MEMORANDUM**

**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Mary M. Cheh   
**DATE:** July 7, 2021  
**SUBJECT:** Requests for the July 13, 2021 Additional Legislative Meeting

I request that the following emergency measures be agendized for the Additional Legislative Meeting, should one be scheduled:

- Green Finance Authority Board Quorum Emergency Declaration Resolution of 2021
- Green Finance Authority Board Quorum Emergency Amendment Act of 2021
- Green Finance Authority Board Quorum Temporary Amendment Act of 2021

On June 5, 2018, the Council passed the District of Columbia Green Finance Authority Establishment Act of 2018, establishing a Green Finance Authority, sometimes referred to as a green bank, for the District. The Green Finance Authority is overseen by the Green Finance Authority Board (“Board”), which consists of 11 members, of which only 7 are voting members. Under District law, a quorum of the Board for the purposes of transacting business is 5 members. The statute does not contemplate reducing the threshold for a quorum where there are fewer than 7 confirmed voting members of the Board.

Due to delays in the nomination and confirmation process, the Board currently has only 5 confirmed voting members. As a result, every voting member must be present for the Board to transact business. Should the Board lose any voting members, it would be unable to take any official action. In turn, should a voting member of the Board recuse him or herself from a vote, or be unable to attend a Board meeting, the Board will not have enough voting members to proceed. In addition, on September 28, 2021, the term of 2 of the Board’s current voting members will expire. As the Mayor has yet to file resolutions to renominate these Board members or to nominate their replacements, and Council recess runs through mid-September, it is very likely that these positions will become vacant at that time. When that occurs, the Board will not have sufficient voting members to transact business.

To ensure that the Green Finance Authority can transact business while the Council and Executive work to fill both the current Board vacancies and seats that that will become vacant in the near future, this emergency legislation would temporarily lower the Board's quorum to 4 voting members, and extend the holdover period for expired seats from 180 to 270 days. These changes will allow for the Board to transact business through the fall, even where one voting member is not present at the meeting or recused from a particular matter.

- Electric Vehicle Public Infrastructure Expansion Rulemaking Approval Emergency Declaration Resolution of 2021
- Electric Vehicle Public Infrastructure Expansion Rulemaking Approval Emergency Resolution of 2021

PR24-250 lays out the specific rules for DDOT and its contractor to create Electric Vehicle ("EV") chargers in the public space. The proposed rules would allow contractors to build EV chargers in parking spaces, limit how long one may charge their vehicle there, set baseline costs for using the chargers, and set fines for those who park non-EVs in the spot or leave their car there longer than four hours. The rules implement the goals set in the Electric Vehicle Public Infrastructure Expansion Act. The rules were delayed while DDOT worked with the Committee to amend the legislation to provide DDOT with less restrictive means to contract out the work to build and maintain the charging stations. Because of the rapid increase in the number of privately-owned EVs on District streets, this legislation would approve that rulemaking on an emergency basis, to allow DDOT to begin contracting out the construction of new EV chargers over the summer, while the Council is in recess. The rules would otherwise not be deemed approved until October.

I also request, at the request of the Mayor, that the following emergency measures be agendized for the Additional Legislative Meeting, should one be scheduled:

- Modification No. 14 to Contract No. DOEE-2016-C-0002 Approval Emergency Declaration Resolution of 2021
- Modification No. 14 to Contract No. DOEE-2016-C-0002 18 Emergency Approval Resolution of 2021

This legislation would approve a five-year option Contract No. DOEE-2016-C-0002 with Vermont Energy Investment Corporation (VEIC) to continue providing performance-based services in administering required sustainable energy programs in the District of Columbia through the Sustainable Energy Utility ("SEU"). Approval is necessary to allow the District to continue receiving these vital services, which can only be met through approval of the five-year option of the multiyear contract to VEIC.

The five-year option term of contract will be from October 1, 2021 through September 30, 2026 at a price in a not to exceed amount of \$240,000,000.00. This option period

includes an increase of \$140,000,000 to reflect additional funds for SEU to provide technical and financial assistance to providers of affordable housing or rent-controlled buildings toward energy efficiency upgrades that will help the property owners comply with the requirements of the District's Building Energy Performance Standards Program, and enhancements to the Solar for All Program.

Draft copies of the emergency legislation are attached. Please contact Michael Porcello in my office at 724-8062 or [mporcello@dccouncil.us](mailto:mporcello@dccouncil.us) if you have any questions.