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Councilmember Mary M. Cheh

## A PROPOSED RESOLUTION

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### IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to amend the Green Finance Authority Establishment Act of 2018 to provide that a voting member of the Green Finance Authority Board whose term has expired may continue to serve for 270 days after the voting member's term expires, or until his or her replacement is appointed, whichever occurs first, and to provide that the presence of 4 voting members of the Green Finance Authority Board shall constitute a quorum of the Green Finance Authority Board for the transaction of business.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

resolution may be cited as the “Green Finance Authority Board Quorum Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On June 5, 2018, the Council passed the District of Columbia Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; 65 DCR 7159) (“Establishment Act”).

(b) The Establishment Act established a Green Finance Authority, sometimes referred to as a green bank, for the District. Green banks utilize public funds to spur private investment in clean energy, clean transportation vehicles and infrastructure, clean water, stormwater management, energy efficiency, water efficiency, and green infrastructure projects.

(c) 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

35 law, a quorum of the Board for the purposes of transacting business is 5 members. The statute  
36 does not contemplate reducing the threshold for a quorum where there are fewer than 7  
37 confirmed voting members of the Board.

38 (d) Due to delays in the nomination and confirmation process, the Board currently has  
39 only 5 confirmed voting members. As a result, every voting member must be present for the  
40 Board to transact business. Should the Board lose any voting members, it would be unable to  
41 take any official action. In turn, should a voting member of the Board recuse him or herself from  
42 a vote, or be unable to attend a Board meeting, the Board will not have enough voting members  
43 to proceed.

44 (e) On September 28, 2021, the term of 2 of the Board's current voting members will  
45 expire, as those voting members will have exhausted the 180 day period that a voting member  
46 whose term has expired may continue to serve on the Board, pursuant to D.C. Official Code § 8-  
47 173.23(g). As the Mayor has yet to file resolutions to renominate these Board members or to  
48 nominate their replacements, and Council recess runs through mid-September, it is very likely  
49 that these positions will become vacant at that time. When that occurs, the Board will not have  
50 sufficient voting members to transact business.

51 (f) It is essential that the Council take action to ensure that the Green Finance Authority  
52 can transact business while the Council and Executive work to fill both the current Board  
53 vacancies and seats that will become vacant in the near future.

54 (g) This emergency legislation would temporarily lower the Board's quorum to 4 voting  
55 members, and extend the holdover period for expired seats from 180 to 270 days. These changes  
56 will allow for the Board to transact business through the fall, even where one voting member is  
57 not present at the meeting or recused from a particular matter.

58           Sec. 3. The Council of the District of Columbia determines that the circumstances  
59       enumerated in section 2 constitute emergency circumstances making it necessary that the Green  
60       Finance Authority Board Quorum Emergency Amendment Act of 2021 be adopted after a single  
61       reading.

62           Sec. 4. This resolution shall take effect immediately.