

A RESOLUTION

24-210

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 13, 2021

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 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.

(d) 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 member, it would be unable to take any official action. Similarly, 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.

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(e) On September 28, 2021, the term of 2 of the Board's current voting members will expire, as those voting members will have exhausted the 180 day period that a voting member whose term has expired may continue to serve on the Board, pursuant to D.C. Official Code § 8-173.23(g). As the Mayor has yet to file resolutions to renominate these Board members or to nominate their replacements, and Council recess runs through late 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.

(f) It is essential that the Council take action to ensure that the Board 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.

(g) 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.

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

Sec. 4. This resolution shall take effect immediately.