

## **RESOLUTION OF THE EXECUTIVE BOARD**

### **DISTRICT OF COLUMBIA**

#### **HEALTH BENEFIT EXCHANGE AUTHORITY**

**WHEREAS**, the Health Benefit Exchange Authority Establishment Act of 2011, effective March 4, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01 *et seq.*) (“Act”) created the District of Columbia Health Benefit Exchange Authority (“Authority”), an independent agency and instrumentality of the Government of the District of Columbia, and its governing Executive Board (“Board”).

**WHEREAS**, pursuant to the Act, the Mayor appointed and the Council confirmed, on July 10, 2012, seven (7) voting members, who with four (4) *ex officio* members, comprise the Board;

**WHEREAS**, § 9 of the Act requires the Board to hire an Executive Director within 60 days of a majority of the Board members being confirmed, and § 15 states that all power and authority vested in the Authority shall be retained by the Mayor until a majority of the Board is confirmed and an Executive Director is hired;

**WHEREAS**, the Board has initiated the process to conduct a national search to identify an exceptionally qualified individual to fill the Executive Director position, but expects that as a result of the search process and administrative work any prospective Executive Director would not begin work for several months;

**WHEREAS**, while the Executive Director position remains vacant, there exists routine administrative functions, namely personnel and procurement functions, that the Authority needs to perform in order for the HBX to begin operations by January 1, 2014, as required by the Act;

**WHEREAS**, unless these routine administrative functions can be performed by the Authority, unnecessary delays in the establishment of the Authority and the HBX will occur and impair the ability of the Board and Authority to meet their statutory obligations;

**WHEREAS**, to satisfy its statutory deadline and exercise the administrative authority vested in the Authority prior to hiring an Executive Director, it is necessary for the Board to hire an Interim Executive Director until a permanent Executive Director is hired;

**WHEREAS**, the Executive Director position, pursuant to § 9(b) of the Act, sets forth a maximum allowable salary but does not require a fixed or minimum compensation; and as such, permits the Board, if it so exercises and to the extent the hired individual agrees, to have the Interim Executive Director serve on a voluntary basis with no compensation;

**WHEREAS**, the Executive Board met on September 5, 2012 in a public meeting and deemed it necessary to take the action described herein, and authorized this resolution to

memorialize the decision of the Board through voting in accordance with the by-laws; and

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Board hereby approves of the decision to hire an Interim Executive Director, on a voluntary or paid basis, until a permanent Executive Director is hired, and vests the Interim Executive Director with all authority delegated to the Executive Director position as provided in § 9 of the Act.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted on this 24th day of September, 2012, by the Executive Board of the District of Columbia Health Benefit Exchange Authority in an open meeting.

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Khalid Pitts, Secretary/Treasurer  
District of Columbia Health Benefits Exchange Authority

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Date