



COUNCIL OF THE DISTRICT OF COLUMBIA

THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmembers Mary M. Cheh and Charles Allen
DATE: October 28, 2021
SUBJECT: Request to Place Motion to Override the Mayoral Veto of B24-414 on the Agenda for the November 2, 2021 Legislative Meeting

Pursuant to Council Rule 429(5), we request that the following measures be placed on the agenda as new business for the November 2, 2021 Legislative Meeting:

- Motion to Override the Mayoral Veto of Bill 24-414, the Public Service Commission Member Qualifications Emergency Amendment Act of 2021

On October 5, 2021, the Council passed B24-414, the Public Service Commission Member Qualifications Emergency Amendment Act of 2021. That legislation would set qualifications for two of the three members of the Public Service Commission. As was discussed at the October 5th Legislative Meeting, this legislation is necessary to ensure that membership on the Commission reflects the evolving purview of the PSC, and that the Commission is composed of subject matter experts with a diversity of relevant experience. Adoption of this legislation on an emergency basis is critical given the likely imminent appointment of PSC Chairman Willie Phillips to the Federal Energy Regulatory Commission, and the need for the Mayor to appoint a new Commissioner to fill his seat. It is essential that the individual appointed to this seat is well-versed in the key issues before the Commission, including a robust understanding of the District's growing energy market and the urgency of and role the PSC plays in meeting our climate goals.

At the time of this request, the Mayor has not vetoed B24-414; however, it is our understanding that the Mayor is actively considering doing so. The period for Mayoral review of this emergency legislation runs through Monday, November 1st, the day before the Council's November Legislative Meeting. Under Council Rule 429, requests to add new business to the agenda for a Legislative Meeting, including a motion to override a Mayoral veto, must be filed by noon on the third business day before the Legislative Meeting. Thus, should the Mayor veto B24-414 between noon on Thursday, October 28th and the expiration of the Mayoral review period on Monday, November 1st, a subsequent request to

agendize a motion to override the Mayor's veto would be untimely for our November 2nd meeting. In turn, the period afforded to the council to override a veto lasts just 30 days, and therefore would expire before the Council's next Legislative Meeting on December 7th. Thus, this request to agendize this motion for the November 2nd Legislative Meeting, while preceding the Mayor's veto, is necessary to preserve the Council's ability to consider this matter.

We also note that while a request to agendize a motion contingent on an event that has not yet occurred is unusual, it is not without ample precedent. Members frequently request to agendize measures for an anticipated, but not yet scheduled, additional legislative meeting, contingent on the Chairman calling the meeting. Council Rule 404(d) authorizes standing committees to schedule a hearing before the Chairman has formally referred the bill to the committee, contingent on the Chairman making the anticipated referral. Council Rule 426 authorizes Members to request a waiver of Rule 231(c), which requires that measures approved by a standing committee must be referred to the Committee of the Whole before being considered by the full Council at a legislative meeting, and Members frequently request to agendize measures for a legislative meeting contingent on the Council granting a waiver of Rule 231(c). Similarly, Committee of the Whole Rules 403 and 404 allow a Member to request waiver of the Committee of the Whole Rules related to filing deadlines for measures from another standing committee to be considered by the Committee of the Whole, and Members regularly request to agendize measures for Committee of the Whole meetings contingent on a waiver of Committee of the Whole Rules.

Please contact Michael Porcello at 724-8062 or mporcello@dccouncil.us if you have any questions.