

Council of the District of Columbia

MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Charles Allen
RE: Request to Agendize Measures for the September 17, 2024 Legislative Meeting
DATE: September 12, 2024

I request that the following measures be placed on the agenda for the September 17, 2024 Legislative Meeting:

Proposed Resolutions Approved by the Committee

- PR25-0766, the “District of Columbia Water and Sewer Authority Board of Directors Howard Gibbs Confirmation Resolution of 2024”
- PR25-0767, the “District of Columbia Water and Sewer Authority Board of Directors Richard Jackson Confirmation Resolution of 2024”
- PR25-0768, the “District of Columbia Water and Sewer Authority Board of Directors Anthony Giancola Confirmation Resolution of 2024”

Proposed Resolutions 25-0766, 25-0767, and 25-0768 were introduced by Chairman Mendelson at the request of the Mayor on May 3, 2024, and were referred to this Committee on May 7, 2024. The Committee held a roundtable on the measures on June 27, 2024. PR25-0766 and PR25-0768 would reappoint Howard Gibbs and Anthony Giancola to the District of Columbia Water and Sewer Authority Board as District resident members for terms to end September 12, 2028. PR25-0767 would reappoint Richard Jackson to the District of Columbia Water and Sewer Authority Board as the cabinet-level officer member for a term to end September 12, 2028.

- PR25-0823, the “Green Finance Authority Board Deborah Loomis Confirmation Resolution of 2024”
- PR25-0824, the “Green Finance Authority Board Ricardo Nogueira Confirmation Resolution of 2024”
- PR25-0825, the “Green Finance Authority Board Todd Monash Confirmation Resolution of 2024”

Proposed Resolutions 25-0823, 25-0824, and 25-0825 were introduced by Chairman Mendelson at the request of the Mayor on May 22, 2024, and were referred to this Committee on June 11, 2024. The Committee held a roundtable on the measures on June 27, 2024. PR25-0823 would reappoint Deborah Loomis to the Green Finance Authority Board as a voting member with financial, project management or legal expertise in clean energy, clean infrastructure, clean transportation, stormwater management, or green infrastructure for a term to end July 9, 2027. PR25-0824 and PR25-0825 would reappoint Ricardo Nogueira and Todd Monash, respectively, to the Green Finance Authority Board as voting members with experience at a financial institution operating within the District for terms to end July 9, 2027.

Permanent Legislation Approved by the Committee

- B25-0424, the “DC Water Critical Infrastructure Freedom of Information Clarification Amendment Act of 2024”

The District’s Freedom of Information Act (“FOIA”) already grants companies regulated by the Public Service Commission, including Washington Gas and Pepco, an exemption shielding them from disclosing any of their critical infrastructure information or plans that contain critical infrastructure information. The rationale behind the existing exemptions is that since these utilities provide DC residents with essential services – in the cases of these companies, natural gas and electricity to power homes and appliances – they must be able to withhold the disclosure of information that could be used to attack, threaten, or otherwise disrupt the infrastructure needed to provide those services. However, DC Water, as an independent entity not regulated by the PSC, lacks the ability to assert similar exemptions – even though it is also a utility that provides essential services to District residents that cannot risk being compromised – the provision of safe drinking water and wastewater treatment. This Print closes this gap in the FOIA statute by adding DC Water to the list of entities that are shielded from the public disclosure of vital information that could jeopardize the District’s water supply.

- B25-0738, the “Transportation Improvements Amendment Act of 2024”

B25-0738 amends the District Department of Transportation’s (“DDOT”) establishment act in several ways. First, the bill repeals language in the D.C. Code delegating certain DDOT functions to a specific subdivision within the agency, allowing DDOT’s director to assign certain statutory responsibilities to whichever internal administration is best suited to perform that function. The Print also grants DDOT the ability to manage transportation improvement plans on lands transferred from the federal government for recreational use. Under its current legal authority, DDOT is limited to accepting federal land parcels that have been designated for a “transportation” purpose. Finally, the Print declares that the District has an adequate interest in the reconstruction or maintenance of roads and bridges on the National Park Service’s parkland to fulfill the requirements of Title 23 of the U.S. Code or other applicable federal laws. By codifying the District’s legal interest in this parkland, the Print will allow several capital projects involving roads and bridges on federal land – including the 11th Street Bridge Park – to receive the permits they need to move forward. Together, the provisions in the bill will empower DDOT to more competently perform the statutory duties that the Council has delegated to the agency and will allow the construction of new, innovative capital projects involving federal land.

Emergency Legislation

- “Director of the District Department of Transportation Sharon Kershbaum Confirmation Emergency Declaration Resolution of 2024”
- “Director of the District Department of Transportation Sharon Kershbaum Emergency Confirmation Resolution of 2024”

By law, the District Department of Transportation (“DDOT”) must be led by a Director that is appointed by the Mayor and confirmed by the Council. After the departure of former DDOT

Director Everett Lott in October 2023, Sharon Kershbaum has served as the agency's Interim, and now Acting, Director. On April 10, 2024, Chairman Mendelson introduced PR25-0723, the Director of the District Department of Transportation Sharon Kershbaum Confirmation Resolution of 2024, at the request of the Mayor. PR25-0723 would confirm Acting Director Kershbaum's appointment as the permanent Director for the District Department of Transportation. PR25-0723 is deemed approved on September 22, 2024.

PR25-0723 was referred to the Committee on Transportation and the Environment on April 23, 2024 and the Committee held a public roundtable on the measure on June 20, 2024. Although the Committee intends to consider and vote on PR25-0723, the Committee will not have filed its report in time for the Council to consider the measure at the September 17, 2024 Legislative Meeting. If the Council does not vote on Acting Director Kershbaum's nomination at the September 17, 2024 legislative meeting, PR25-0723 will be deemed approved without the Council affirmatively acting on her nomination. Given the important role that the Director of the District Department of Transportation plays in overseeing the design and construction of transportation projects, building safer streets, and transforming public spaces for the community to enjoy, the full Council should have an opportunity to consider and vote on Ms. Kershbaum's nomination.

Draft copies of these measures are attached. Please contact Kevin Whitfield, Committee Director, at kwhitfield@dccouncil.gov with any questions.

cc: Members, Council of the District of Columbia
Office of the Budget Director
Office of the General Counsel
Office of the Secretary