

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL

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Office of Government Operations  
Legal Counsel Division

March 13, 2001

Leroy J. Thorpe, Jr.  
Vice Chair  
Advisory Neighborhood Commission 2C  
1704 5<sup>th</sup> Street, N. W.  
Washington, D.C. 20001

Re: Amendment of By-laws

Dear Mr. Thorpe;

This responds to your letter dated March 4, 2001 regarding whether Advisory Neighborhood Commission (ANC) 2C is required to amend its by-laws in response to the passage of the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000 (Reform Act), effective June 27, 2000, D.C. Law 13-135. This letter also responds to a request for oral advice on the same subject from Commissioner Alex Padro, ANC 2C. You state that ANC 2C held a meeting on March 2, 2001 to vote on changing the by-laws to conform with the provisions of the Reform Act. The vote to amend failed 4-2. While you state that it is the ANC's practice to adhere to any legislation regarding the operation of the ANC, you do not believe the ANC is required to amend the by-laws to incorporate the changes in law.

Section 3(b) of the Reform Act provides, in relevant part:

(d) Each Commission shall establish bylaws governing its operation and internal structure.

(1) These bylaws shall include the following:

- (A) The geographic boundaries of the Commission area;
- (B) A statement of Commission responsibilities;
- (C) Voting procedures;
- (D) The establishment of standing and special committees;
- (E) The manner of selection of chairpersons and other officers;
- (F) Presiding officers;

(G) Procedures for prompt review and action on committee recommendations;

(H) The use of the Commission office and supplies;

(I) Procedures for receipt of, and action upon constituent recommendations at both the single-member district and Commission levels; and

(J) Pursuant to section 16(c), the procedures for the filling of a vacancy in the office of treasurer.


(2) Said bylaws shall be consistent with the provisions of this act and other applicable laws and shall be a public document.

Pursuant to the Reform Act, the only items required to be included in ANC 2C's by-laws are those specified above, and such items are required by law to conform to District law. To the extent that the ANC includes other items in its ~~by-laws~~, those items are also required by law to conform to District law. The ANC is under no specific statutory time limit for amending its by-laws in response to a statutory change; however, I advise ~~that~~ amendments to the by-laws should be made within a reasonable period of time after the statutory change becomes effective. As you note in your letter, during any period in which the by-laws conflict with District law, the law prevails over the contradictory provisions of the by-laws.

If you have any further questions with regard to this issue, please contact Annette Elseth, Assistant Corporation Counsel, Legal Counsel Division at 724-5537.

Sincerely,

ROBERT R. RIGSBY  
Corporation Counsel

  
BY: DARRYL G. GORMAN  
Senior Deputy Corporation Counsel for  
Government Operations

DGG/abe  
(AL-01-147)

cc: Alex Padro  
ANC2C  
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