

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CORPORATION COUNSEL



January 28, 2002

Louis Thurston
Commissioner
Advisory Neighborhood Commission 4B
7137 Georgia Avenue, N.W.
Washington, D.C. 20012

Re: Must ANC 4B provide a reader at Commission meetings to read the minutes of prior meetings to a blind Commissioner?

Dear Commissioner Thurston:

This responds to your oral request of January 25, 2002 for a written response regarding the following situation. You state that you are the Commissioner from Advisory Neighborhood Commission (ANC) 4B representing single member district 4B06 and that you are blind. At every meeting of the ANC the Commissioners are presented with a copy of the agenda and the minutes of the prior meeting. The Commissioners review these documents silently and subsequently a vote is taken to approve the minutes.¹ You have been abstaining from voting on the approval of the minutes because of your inability to read the document prior to the vote. In discussions with the Chair about this issue you were told that it is your responsibility to have the minutes read to you at the meeting. You further state that at the most recent meeting of the ANC it was stated that the minutes were read aloud at a prior meeting that you did not attend. You state that at some meetings a volunteer is solicited to read the minutes to you but that this procedure is unsatisfactory because it does not always result in a volunteer. You seek to have the ANC provide you with a designated reader, who is not a Commissioner, to read the minutes to you at each meeting. You ask who is responsible for providing a reader for you at meetings, you or the ANC?

Under the Americans with Disabilities Act ("ADA"), approved July 26, 1990, Pub. L. 101-336, 42 USC § 12131 *et seq.* the ANC is required to provide you with "appropriate auxiliary services" that will permit you to participate in ANC meetings. You are not able to fully participate in meetings if information about items being voted on is available to the other Commissioners but is unavailable to you because of your disability. *See also* 28 CFR § 35.160. The ANC can fulfill its duty to you in the manner you request, by providing a person at meetings to read the minutes to you, or, if that requirement is too burdensome on the operation of the ANC, it may offer an


¹ You indicate that sometimes there is also a vote on the agenda.

alternative accommodation that you are willing to accept.² For your information, I am attaching copies of two prior letters of this Office pertaining to an analogous situation under the ADA requiring ANCs to provide sign language interpreters at public meetings for deaf residents.

If you have any further questions with regard to this issue, please contact Annette Elseth, Assistant Corporation Counsel, Legal Counsel Division, at 724-5537, or me at 724-5493.

Sincerely,

ROBERT R. RIGSBY
Corporation Counsel



By: Darryl G. Gorman
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DGG/abe
(AL-02-070)

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Sara Green
Secretary, ANC 4B
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² Alternatives include: reading of the minutes by the Secretary upon their introduction, or providing a copy of the minutes to you sufficiently in advance of the meeting to provide you an opportunity to have them read to you prior to the meeting. The reading aloud of minutes at a meeting that you do not attend is not an appropriate alternative, and presumably would not be acceptable to you.