

# Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:

(RL-94-161)

(Misc 94-22)

June 8, 1994

Doris Long  
President  
Trinidad/Ivy City committee for Reform  
1215 Simms Place, N.E.  
Washington, D.C. 20002

Re: Reorganizing and restructuring of Advisory  
Neighborhood Commissions

Dear Ms. Long:

This is in reply to your letter, postmarked May 11, 1994, to the acting Corporation Counsel. In that letter you voice a number of complaints about the way Advisory Neighborhood Commission (ANE) 5-B is being run. The operations of ANCs are governed by statutory law, and these statutory provisions are set forth in the District of Columbia Code in Title 1, sections 1-251 to 1-270. You state in your letter that "[m]ore concise and stringent requirements need to be put into law for ANC[s]." For example, you propose that the law should include "some level of education requirements for potential commissioners." Such legislative proposals should be directed to Harold Brazil, the Chairman of the Government Operations Committee of the Council of the District of Columbia. His address is Room 110, District Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

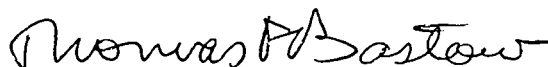
Your letter contains a number of specific questions. First, you ask whether an acting chairperson "can sign for any kind of cash transactions." The financial operations of an ANC are governed by section 16 of the Advisory Neighborhood Commissions Act of 1975, as amended, D.C. Code § 1-264 (1992). Subsection (f) of section 1-264 provides that all ANC checks must be signed by at least two officers of the ANC, "one of whom shall be the treasurer or Chairman." You mentioned in your letter that the person who was elected chairman of ANC 5-B in January 1994 resigned two months later, and that the vice-chairperson then became acting chairperson. If, as in this instance, the office of chairperson is vacant, the vice-chairperson serves in that position until a new chairperson is elected by the ANC. If the chairperson is one of the

officers authorized to sign checks, then the acting chairperson can perform that function between the time of the resignation of the chairperson and the election of a new chairperson. But it is up to the Commission as a whole to decide which two officers shall sign the Commission's checks, so long as one of those officers is either the chairperson or the treasurer.

Second, you ask: "How does the intra-structure of the ANC work?" As noted above, the structure and procedures of an ANC are governed first by the D.C. Code provisions cited above. Secondly, each ANC has a set of bylaws which must be consistent with the requirements of these D.C. Code provisions. Finally, Robert's Rules of Order governs a procedural matter if the matter is not addressed in the statutory law or in the ANC's bylaws. If you wish to read the statutory provisions relating to ANCs, every D.C. public library branch, as well as the Martin Luther King Library, has a set of D.C. Code volumes. Moreover, under section 14(d)(1) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-262(d)(1) (1992), the bylaws of an ANC are declared to be "a public document." Therefore, you have a legal right to examine the bylaws of ANC 5-B upon request.

Third, you ask whether "there is a code of ethics in place for the ANC's." ANC commissioners are subject to the conflict of interest standards set forth in section 601 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, Public Law 93-376, approved August 14, 1974, 88 Stat. 465, D.C. Code § 1-1461(a) (1992). See our November 8, 1985 letter of advice to ANC 1-A, a copy of which is enclosed.

Sincerely,



Thomas F. Bastow  
Deputy Corporation Counsel  
Legal Counsel Division

Enclosure

cc: Harold Brazil  
Chairman  
committee on Government Operations  
Council of the District of Columbia

Russell A. Smith  
D.C. Auditor

Adam Dennis  
Director  
Office of Constituent services