

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CORPORATION COUNSEL

* * *



Ms. Wanda Stevens-Harris
ANC Commissioner 6AOI
1127 Seventh Street, N.E.
Washington, D.C. 20003

Re: Validity of ANC Meeting Held January 2, 2003

Dear Ms. Harris:

I am in receipt of your e-mail dated February 10, 2003. I received on February 10, 2003, your letter in which you ask additional questions. After discussing the issues that you raise, you stated that the question you were concerned about is whether the meeting held by ANC 6A on January 2, 2003, was lawful.

The statutory provisions governing the convening of ANC meetings and ANC emergency meetings are found in section 14 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended by the Duties and Responsibilities of Advisory Neighborhood Commissions Act, effective March 30, 1976, as further amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective July 27, 2000, D.C. Law 13-135, § 3(b), D.C. Official Code § 1-309.11(c), which states in pertinent part as follows:

(c) Each Commission shall give notice of all meetings . . . to each Commissioner, individuals with official business before the commission, and residents of the Commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings must include, but is not limited to, at least 2 of the following:

- (1) Posting written notices in at least 4 conspicuous places in each single-member district within the Commission area;
- (2) Publication in a city or community newspaper;

- (3) Transmitting or distributing notice to a list of residents and other stakeholders in the community; and
- (4) ~~In~~ any other manner approved by the Commission. (Emphasis supplied.)

D.C. Official Code § 1-309.11(c).

Thus, under the law, no less than seven days notice must be given to each Commissioner, individuals with official business before the Commission and the residents of the Commission. Two methods must be used to provide notice of an ANC meeting. While a notice to each single member district may not be one of the methods chosen to be used, the notice that is given must be calculated to provide as broad notice as possible to residents of each single member district. Using the internet as a sole source to disseminate information regarding elections to the public is not sufficient. The vehicles that maybe used are listed above. Under section 1-309.11(c)(4) of the D.C. Official Code, the ANC Commission may determine, upon a vote of the Commission, a favorite vehicle to deliver notice. However, such notice must be structured so that it provides as broad a notification to residents as possible.

The effect of an unlawful meeting is to render null and void any official action taken at such meeting. In an April 17, 1996 letter issued by the Office of the Corporation Counsel to Dorothy Miller, Commissioner of ANC 2-A, this Office stated as follows with respect to the effect of an unlawful convening of an ANC meeting:

Since the notice requirement of section 14(c) of the Advisory Neighborhood Commissions Act of 1975 ... is mandatory, I conclude that if, with respect to a particular meeting, an ANC fails to comply with this notice requirement, then that meeting is not a public meeting within the intent of the Advisory Neighborhood Commissions Act of 1975, and no official action may validly be taken at such a meeting. The effect is the same as the situation where an ANC meets but [m]ds that it lacks a quorum. At such a meeting, the assembled ... commissioners may engage in **general** discussions of matters of current concern, but may not transact official business such as adopting the minutes of a previous meeting, a treasurer's report, a quarterly financial report, or written recommendations regarding a proposed District government action. The only proper official action that may be taken at such a meeting is the adoption of a motion to adjourn.

In your e-mail and your letter you did not state the facts to describe the methods of notification of the January 2, 2003 meeting. Accordingly, we can not state as a factual

