

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:

Prepared by:LCD:ABE
(AL-98-558)

Gottlieb Simon
Executive Director
ANC6B
921 Pennsylvania Avenue, S.E.
Suite 108
Washington, DC 20003

January 12, 1999

Re: Bylaws Amendment

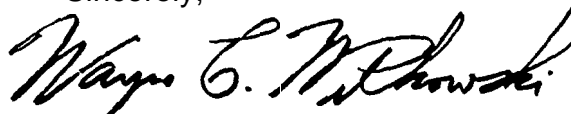
Dear Mr. Simon:

This responds to your letter of December 28, 1998 asking whether Advisory Neighborhood Commission ("ANC") 6B may retain its bylaw provision which limits the number of consecutive terms that a chairman of the ANC may serve, or whether such provision is inconsistent with existing law and is therefore ineffective.

As you are aware, the Council enacted a provision in D.C. Law 1-58, effective March 26, 1976, which limited the number of consecutive terms a chairman of an ANC may serve. That provision was subsequently removed by D.C. Law 8-203, effective March 6, 1991. D.C. Law 8-203 enabled ANCs to elect chairmen without term limitations; it did not prohibit ANCs from applying term limitations. Therefore, ANC 6B's existing bylaw provision is not inconsistent with District law. D.C. Code § 1-262(e) states that, "[w]here not otherwise provided, the procedures of the Commission shall be governed by Robert's Rules of Order." According to section 46 of Robert's Rules of Order, the bylaws may contain a provision for a term limitation. Therefore, it is permissible for ANC 6B to retain the bylaw provision limiting the chairman to two consecutive terms of office; however, under current law, the ANC may also eliminate the term limitation provision.

If you have any further questions in this regard, please do not hesitate to contact me or Annette Elseth, of my staff, at 727-3400.

Sincerely,

A handwritten signature in black ink that reads "Wayne C. Witkowski". The signature is written in a cursive style with a large, stylized initial 'W'.

Wayne C. Witkowski
Deputy-Corporation Counsel
Legal Counsel Division

enclosure: Committee Report on D.C. Law 8-203