

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:

OLC:LNG:lng
(AC-97-368)

June 30, 1997

Sara Thompson
Director/Founder
Love Thy Neighbor Community, Inc.
2279 Savannah Street, S.E.
Washington, D.C. 20020

Dear Ms. Thompson:

This is in reply to your June 22, 1997 letter to Interim Corporation Counsel Jo Anne Robinson in which you seek the advice of this Office concerning several questions relating to Advisory Neighborhood Commission (ANC) 8-B.

In your first question, you ask what constitutes a quorum for the transaction of business by ANC 8-B. A quorum for the valid transaction of business by an ANC is the number of commissioners that is equal to a majority of the total number of ANC single-member districts in the ANC, whether or not those single-member districts are currently represented or are currently vacant. ANC 8-B has a total of seven single-member districts. The D.C. Board of Elections and Ethics reports that three of those seven single-member districts are currently vacant. Therefore, the quorum number for ANC 8-B is four. This means that all (four) of ANC 8-B's current commissioners must be present at a properly noticed, public meeting of ANC 8-B in order for ANC 8-B validly to transact business, such as for example, deciding whether to make a grant.

In your second question, you ask: "Does the Chair call a vote?". The presiding commissioner at a meeting would call for a vote on a matter that is ready to be voted upon. Normally, at an ANC meeting, the presiding commissioner is the chairperson of the commission or the vice-chairperson of the commission if the chairperson is absent. Since, in the current situation of ANC 8-B, all four of ANC 8-B commissioners must be present at a meeting in order for ANC 8-B to establish a quorum, the current chairperson would be the presiding officer and would call for a vote on a matter that is ready to be voted upon.

Your third question is: "Does the chair set an agenda?" The chairperson of an ANC may set the agenda for an upcoming ANC public meeting. However, it is up to each ANC to decide what pro-

cedures it will follow in establishing an agenda for a public meeting. Typically, in ANCs, the setting of an agenda is a group process, with all commissioners participating in the determination of what business will be taken up at a public meeting. Some ANCs will have an executive meeting between public meetings, and at such executive meeting will establish the agenda for the next public meeting.

Your final question is: "If the Chair is not available or Cr] refuses to make themselves [sic] available, what consist[s] of a Quorum?" In the present circumstances of ANC 8-B, the absence of one of ANC 8-B's commissioners from a public meeting, whether that commissioner be the chairperson or not, will deprive ANC 8-B of the minimum number of commissioners that need to be present in order for ANC 8-B to establish a quorum for the valid transaction of business.

Since your letter requesting the advice of this Office relates to a pending request by your organization for a grant from ANC 8-B, I am enclosing a copy of section 16(m) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-264(m) (1992). This provision deals with ANC grants.

sincerely,

Jo Anne Robinson
Interim Corporation Counsel
By:

Leo N. Gorman
Assistant Corporation Counsel
Office of Legal Counsel

Enclosure

cc: The Honorable Kathleen Patterson
Chairperson, committee Government operations
Council of the District of Columbia

William Vazquez
Director, Office of the Ombudsman

Ayo Bryant
Director, Office of Diversity and Special Services

Anthony Cooper
D.C. Auditor

Daisy J. Olarotimi
Chairperson, ANC 8-B