

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CORPORATION COUNSEL

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February 4, 2003

Juanda J. Feaster
c/o Advisory Neighborhood Commission 8C
District of Columbia Government
3301 5th Street, S.B.
Washington, D.C. 20032

RE: Whether Proper Notice Was Given For ANC Meeting

Dear Ms. Feaster:

This responds to your letter dated January 10, 2003. **In** your letter you complain about an ANC 8C's meeting held on Wednesday, January 8, 2003 and that it was not lawfully convened. You stated in your letter that no official notice was published or given and that you received information about the meeting through a telephone call from one of your neighbors.

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 § 1-309.1 1(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).

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 finds 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.

Complaints from ANC 8C regarding the inadequacy of public notice provided by ANC 8C have continued for two years now. Responses by the Office of the Corporation Counsel on February 13, 2001, August 1, 2001, December 19, 2001, and March 1, 2002 to this situation have repeatedly provided the same advice and counsel. This Office hopes that, with the elections and with new commissioners, ANC 8C may begin functioning appropriately and provide the community with the representation that it so deserves. If

you have any further questions with regard to this matter, please contact Nancy Alper, Assistant Corporation Counsel, Legal Counsel Division at 724-5537.

Sincerely,

A handwritten signature in black ink that reads "Darryl Gorman". The signature is written in a cursive, flowing style.

DARRYL G. GORMAN
Senior Deputy Corporation Counsel
For Government Operations
Legal Counsel Division

DGG/nla
(AL-03-074)