

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL

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March 7, 2003

Mary J. Cuthbert  
Commissioner  
Advisory Neighborhood Commission 8C  
District of Columbia Government  
3125 Martin Luther King Avenue, S.E.  
Washington, D.C. 20032

RE: Officer Vacancy and Citizen Views

Dear Commissioner Cuthbert:

This responds to your letter dated February 10, 2003. In your letter, you ask for advice from the Office of Corporation Counsel as to whether the chairman of the Advisory Neighborhood Commission ("ANC") may appoint an individual to fill a vacancy when the ANC's by-laws do not provide for such authority. You also complained in your letter that the chairman stated that he did not have to "hear community concerns at the monthly [ANC] meetings."

. Section XI of Article IV of ANC 8C's bylaws provides as follows:

Section XI. In case of vacancies among officers, at the next meeting of the Commission nominations and election shall occur in accordance with the election procedures set forth in these By-Laws....

The By-Laws are silent about appointing an individual to fill a vacancy temporarily. However, the By-Laws do state that at the next meeting of the ANC an election should be held to fill the vacancy. Accordingly, at the next meeting of ANC 8C, an election should be conducted to fill the vacancy of Secretary.

With regard to your complaints that the chairman of ANC 8C is refusing to hear community concerns, the statute governing Advisory Neighborhood Commissions provides guidance. Specifically, section 14 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000,

effective July 27, 2000, D.C. Law 13-135, § 3(d), D.C. Official Code, 2001 Ed. § 1-309.11, and provides as follows:

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Each Commission shall set aside a portion of each public meeting to hear the views of residents within the Commission area and other affected persons on problems or issues of concern within the Commission area and on proposed District government actions that affect the Commission area. Community views shall be adequately considered in positions taken by the Commission....

Section VIII of Article V, entitled "Meetings," states as follows:

**SECTION VIII. CITIZEN INPUT**


Residents views should be incorporated in positions taken by the Commission. ... The Commission shall make a good-faith effort to involve all segments of the Commission population in its deliberations regardless of race, sex, age, voting, status, religion, or economic status.

Accordingly, pursuant to the statute governing ANC's, the Commission is required to set aside a portion of each public meeting to hear the views of residents within the Commission area. Further, pursuant to both the statute and ANC 8C's by-laws, the Commission and its members are required to take the views of the residents of the Commission into consideration in any position that they formulate.

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,

ARABELLA W. TEAL  
Interim Corporation Counsel

  
By: DARRYL G. GORMAN  
Senior Deputy Corporation Counsel  
for Government Operations  
Legal Counsel Division

DGG/nla  
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