

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:

L&O:LNG:lng
(AL-95-532)

October 17, 1995

Walter Broderick
Executive Secretary
Greater Carter Barron citizens Coalition, Inc.
1614 Montague Street, N.W.
Washington, D.C. 20011

Re: Duty of Advisory Neighborhood Commissions
to monitor complaints of Commission area
residents

Dear Mr. Broderick:

This is in reply to your October 3, 1995 letter to Leo Gorman of this Office in which you inquire concerning the "procedure established by the Mayor's Office and/or the D.C. Council for the performance of the duties imposed on ANC officers by the 'Home Rule Charter,' especially D.C. Code § 1-261(m) concerning the monitoring of citizen complaints."

section 13(m) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-261(m) (1992), provides: "Each Commission shall monitor complaints of Commission area residents with respect to the delivery of the (sic) District government services and file comments on same with the appropriate District government entity as well as the council." There is no procedure by which this Advisory Neighborhood Commission (ANC) duty is enforced by the Mayor or the Council. As publicly elected officials, ANC commissioners are primarily accountable to their single-member district constituents

"The District Charter" (or "Home Rule Charter") consists of those sections in Title IV of the District of Columbia Self-Government and Governmental Reorganization Act ("Self-Government Act"), approved December 24, 1973, Pub. Law 93-198. Section 738 of the Self-Government Act deals with Advisory Neighborhood Commissions, and is part of Title VII of the Self-Government Act. Neither section 738 of the Self-Government Act nor the Advisory Neighborhood Commissions Act of 1975 are included in that part of the Self-Government Act that is designated as "The District Charter."

for the performance of their statutory duties. And the duty imposed by section 13(m), as quoted above, is an example of one of those duties for the performance of which (or lack thereof) ANC commissioners are accountable to their respective voters. This political accountability finds its expression in the circumstance that ANC commissioners must stand for election every two years. See section 8 of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-257 (1992). Moreover, an ANC commissioner is subject to being recalled from office pursuant to the recall provisions of section 17 of the District of Columbia Election Act, approved August 12, 1955, as amended, D.C. Code § 1-1321 (1992 and 1995 Supp.) .

Sincerely,

Charles F.C. Ruff
Corporation Counsel

by:



Karen L. Cooper, Chief
Legislation & Opinions Section
Legal Counsel Division

cc: The Honorable Harold Brazil
Chairman
Government of the District of Columbia

Lavonna Johnson
Director
Office of Constituent Services

Ayo Bryant
Director
Office of Diversity and Special Services

Joseph Hairston
Chairman
Advisory Neighborhood Commission 4-A