

# Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



ETW

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REPLY REFER TO  
L&O:LNG:gbt  
(87-173)(LCD-2673)

September 18, 1987

J. George Frain, Secretary  
18th and Columbia Road  
Business Association  
1777 Columbia Road, N.W.  
Washington, D.C. 20009

Dear Mr. Frain:

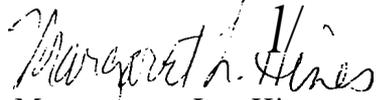
This is in reply to your July 10, 1987 letter in which you request any comments I may wish to make on your letter of the same date to City Administrator Thomas M. Downs, "Re: How to Improve ANC's."

In the last paragraph of your letter, you cite the need for "[a] handy, compendium that brings together the city's statutory ANC requirements...." Such a compendium, the Advisory Neighborhood Commissions Manual, was issued in 1985, and was reissued earlier this year by the Office of Community Services. But as reported in the July 9, 1987 Washington Post "District Weekly" article (a copy of which was attached to your letter), Mr. Downs noted that ANCs should have a coherent and comprehensive set of regulations governing the area of financial expenditures. This problem will be addressed in the near future by a set of regulations to be promulgated by the Controller in the Office of the D.C. Controller.

In the last paragraph of your letter you also state that "ANCs come under the city's Administrative Procedure [] Act...." ANCs are elected bodies which "may advise... each executive agency and all independent agencies, boards and commissions of the government of the District of Columbia...." D.C. Code § 1-261(a) (1987). But, generally speaking, ANCs are not themselves considered to be "agencies" of the District government for

purposes of the Administrative Procedure Act. Where it has been thought desirable to subject ANCs to a particular procedural requirement codified in Chapter 15 of Title 1 of the D.C. Code (where the Administrative Procedure Act is codified), that has been done by specific reference. See, e.g., D.C. Code § 1-262(g) (1987), which makes the open meeting requirement of D.C. Code § 1-1504(a) (1987) applicable to ANCs.

Sincerely,



Margaret L. Hines  
Deputy Corporation Counsel, D.C.  
Legal Counsel Division