

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



IN REPLY REFER TO:
L&O:LNG:lng
(89-183) (LCD-4436)

August 9, 1989

Enez W. Martin
Vice-Chairperson ANC 5-B
1375 Mt. Olivet Road, N.E.
Washington, D.C. 20002

Re: Move of ANC 5-B office

Dear Mrs. Martin:

This is in reply to your letter to the corporation counsel, dated July 28, 1989, asking a number of questions concerning the transfer of ANC 5-B's office from its present location to the community correctional Center #4 located at 1355-57 New York Avenue, N.E.

In your first question you ask whether ANC 5-B may legally move its office "without a vote from each ANC 5B commissioner[] that is based on the results from canvassing of residents of ANC 5B." There is no law that requires commissioners to canvass their single member district residents before voting on whether to relocate the ANC's office.

In your second question you ask: "If a vote is taken in a Committee of a Whole meeting with a simple majority present and voting yes, would it be valid." Unless ANC's 5-B'S bylaws provide otherwise, a vote on the question of relocating the ANC office could properly take place at an ANC meeting at which a quorum (i.e., a majority) of the commissioners is present. And, unless the bylaws provide otherwise, if a majority of those commissioners present vote to relocate the office, that vote would be valid.

In your third question you ask whether there is "a law that requires an action by the council of the District of Columbia to allow for the change of address of an ANC office." There is no such law. The question of whether an ANC should operate an office and, if so, where that office should be located, are questions committed to the discretion of the commissioners of that ANC. Of course, if an ANC moves its office, the ANC should promptly notify all persons and entities (government and

otherwise) that it deals with or from which it regularly receives notices or publications such as the D.C. Register.

In your last question, you ask what steps need to be taken to "bring this matter before the Council for an action by them on this proposed move." The answer to this question is none.

since your letter indicates that ANC 5-B is considering moving its office to a building operated by the Department of corrections, I am enclosing a copy of my February 9, 1989 letter to you concerning whether an agency of the District government may provide office space and equipment free of charge to an ANC.

Sincerely,



Margaret L. Hines
Deputy corporation counsel, D.C.
Legal counsel Division

cc: Honorable Betty Ann Kane
Walter B. Ridley
Robert L. King

Enclosure