

# Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



IN REPLY REFER TO:

L&O:LNG:Ing  
(91-297-L) (LCD-565C)

June 17, 1991

Ms. Kathleen D. McLynn  
Advisory Neighborhood Commission 3-B  
P.O. Box 32312  
Washington, D.C. 20007

Re: Benefits due former ANC employee

Dear Ms. McLynn:

This is in reply to your letter of May 27, 1991, asking for advice concerning whether Advisory Neighborhood Commission (ANC) 3-B is obligated to payout of its current funds employee benefits that are due a former ANC 3-B employee, or whether this liability could be paid from the General Fund of the District of Columbia.

Under § 738(e) of the District of Columbia Self Government and Governmental Reorganization Act, D.C. Code § 1-251(e) (1987), one of the purposes for which the District government allots funds to ANCs is to "enable them to employ such staff as may be necessary." Moreover, unless otherwise expressly agreed upon, contractual obligations assumed by an ANC vis-vis its employees are not extinguished by virtue of the election of new ANC commissioners. Compare 36 Am. Jur. 2d Municipal Corporations § 92 (1971) ("Debts due from a municipal corporation are not extinguished by the repeal of its charter, and continue to exist notwithstanding that repeal").

Thus, if ANC 3-B has a contractual financial obligation to a former employee, that obligation must be satisfied from funds of the ANC, and not from the General Fund.

Sincerely,

A handwritten signature in cursive script that reads "Margaret L. Hines".

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