

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

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WASHINGTON, D. C. 20001



November 8, 1993

IN REPLY REFER TO:
(L&O:LNG:lng)
(93-3i4-L)(LCD 7989)

Audrey J. Hendricks
Acting Chairperson
Advisory Neighborhood Commission 4-C
4020 8th street, N.W.
Washington, D.C. 20011

Re: May the Office of Constituent services place an
Advisory Neighborhood Commission in receivership?
Must an ANC Commissioner give notice of an ANC
public meeting to his or her single-member district
constituents?

Dear Chairperson Hendricks:

This is in reply to your September 14, 1993 letter to the Corporation Counsel in which you seek the advice of this Office on three questions.

First, you ask whether an Advisory Neighborhood Commission (ANC) may be "placed into receivership." An organization, such as a corporation, is placed in receivership for the purpose of winding up its affairs in an orderly manner as a prelude to dissolution. Typically, a court appoints a receiver whose duties are to receive the organization's assets, collect monies owed to it, pay the legitimate claims of its creditors, and distribute whatever is left to its owners. See, e.g., § 91 of the District of Columbia Business Corporation Act, D.C. Code § 29-391 (1991). There is no law that authorizes an Advisory Neighborhood Commission to terminate its existence. Therefore, it follows that an ANC cannot be placed in receivership.

Second, you ask what is the role of the Office of Constituent Services vis-a-vis ANCs. section 15(d)(3) (B) and (C) of the Advisory Neighborhood Commissions Act of 1975, as amended, D.C. Code § 1-263(d) (3) (B) and (C) (1992), provides:

(3) The Mayor shall provide assistance to Advisory Neighborhood Commissions in the following areas:

(A) Legal interpretations of statutes concerning or affecting the Commissions. These interpretations are to be obtained from the corporation counsel and may be requested directly by any Commission;

(B) Liaison efforts between the individual Commissions and District government entities to ensure responsiveness to Commission requests and compliance with current law; and

(C) Any other assistance necessary to ensure that a Commission is able to perform its statutory duties.

The Mayor's agent for carrying out the first of these functions is the Office of the Corporation Counsel; for the remaining two functions it is the Office of Constituent services.

Third, you ask whether "an ANC Commissioner must notify the members of her/his single member district of ANC monthly pUBLIC meetings." section 14(c) of the Advisory Neighborhood Commissions Act of 1975, as amended, D.C. Code § 1-262(c) (1992), provides:

(c) Each Commission shall give notice of all meetings or convocations to each Commission member and residents of the Commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings may be given by:

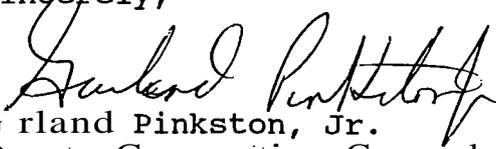
- (1) Posting written notices in at least 2 conspicuous places in each single-member district;
- (2) Publication in a city or community newspaper;
- (3) Mailing notice to a mailing list; and
- (4) In any other manner directed by the Commission.

(Emphasis added.)

Thus, while the statute requires that notice of pUBLIC meetings be given, it affords each ANC flexibility in determining how it shall satisfy the notice requirement. As the statutory language indicates, the obligation to give notice is initially imposed on "[e]ach Commission," rather than on each individual Commissioner. However, under option (4) above, a Commission may direct that each

Commissioner provide the required notice within that Commissioner's single-member district.

Sincerely,



Garland Pinkston, Jr.
Deputy Corporation Counsel
Legal Counsel Division

cc: The Honorable Harold Brazil
Regena Thomas