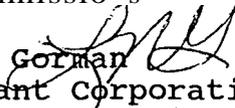


# Memorandum

Government of the District of Columbia

TO: All Advisory Neighborhood Office: corporation Counsel  
Commissions Prepared by: L&O:LNG:lng

FROM: Leo N. Gorman   
Assistant Corporation Counsel Date: March 11, 1995

SUBJECT: Role of the Office of the corporation Counsel  
vis-a-vis Advisory Neighborhood Commissions

section 15(d) **(3)** (A) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-263(d) (3) (A) (1992), provides:

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

(A) Legal interpretations of statutes concerning or affecting the Commissions, or of issues or concerns affecting the commissions. These interpretations are to be obtained from the Corporation Counsel and may be requested directly by any Commission.

Thus, if any ANC or any individual ANC commissioner needs advice as to the proper interpretation of any statutory provision that deals with ANCs, the ANC or commissioner may contact this Office. Simple questions can often be answered on the telephone. If written advice is requested, we require that the person seeking advice put the question in writing and include all the pertinent facts and copies of any relevant documents. written requests for advice should be sent to the corporation Counsel, suite 1060, 441 4th Street, N.W., Washington, D.C. 20001. For telephone advice, call 727-3400, and ask for Leo Gorman.

Over the years, many letters and memorandums of advice have been sent to ANCs' and to other persons within the District government. Most of these letters and memorandums have come from the Corporation counsel's Office. A few have come from the D.C. Auditor, and a few from the Council's Committee on Government Operations. Attached for your reference is a quick index of these letters and memorandums and a chronological list (from 1976 to the present) that shows the date the advice was rendered, who rendered the advice, and the Subject matter of the advice. The Office of the Corporation Counsel has on file copies of most of the letters and memorandums of advice that originated in this Office. Many of these letters and memorandums have been distributed to ANCs by the Office of Constituent services, and some of the advice has been incorporated in the ANC Manual.

Finally, on a different subject, if one or more ANC commissioners is sued or threatened with suit in regard to an ANC matter, the commissioner or commissioners should promptly contact the civil Division of the Corporation Counsel's Office, at 727-6295.

LNG

Attachments

# ANC OPINIONS

## QUICK INDEX

Access to ANC Office 1/14/94

"Affected," whether more than one ANC may be: 9/17/87

Benefits: 10/2/86, 4/8/93

Commissioner also a D.C. gov't employee: 3/31/89

Conflict of interest: 4/8/85, 11/8/85, 2/6/90, 3/27/91, 6/15/93, 5/2/94

Congress (ANC citywide mtg.): 4/8/85, 7/24/89, 1/25/93

Donations to ANCs: 6/18/79, 8/2/84, 4/29/86, 2/8/89, 7/9/92, 10/13/93

Employee, liability for unauthorized hiring: 9/2/94

Employee vs. contractor: 4/8/93, 7/26/94

Equipment disposal: 4/11/91

Executive session meetings: 3/31/89

Felon, commissioner who is: 1/16/91, 1/25/91

Grants: 6/4/79, 4/26/85, 9/11/85, 12/17/85, 1/10/86, 1/10/86 (twice),  
3/14/86, 4/16/86, 10/21/86, 12/1/86, 1/13/87, 1/28/87, 1/29/87,  
6/19/87, 7/17/87, 9/14/87, 3/6/91, 4/29/91, 5/21/91, 6/3/91,  
7/8/91, 8/16/91, 3/5/92, 7/16/92, 12/28/92,  
11/29/93, 4/20/94, 5/26/94, 8/16/94 10/20/94

Insurance: 10/2/86, 3/8/94

Interpreters (ADA): 10/22/92, 7/29/93

Letterhead: 6/1/79, 5/24/90, 8/21/91, 4/19/94

Litigation, ANC role in: 10/21/86, 12/1/86, 5/19/87

Minority reports: 6/20/89

Notice to ANCs: 10/13/93, 1/14/94 7/21/94

Obligations of ANC are continuing: 6/17/91, 4/8/93

Office space (purchase, redecorate, etc.): 10/22/85, 5/28/86, 2/9/89

Officers, de facto: 4/22/91

Officers, holding-over: 1/9/92, 5/11/92, 5/12/92, 3/9/94

Officers, removal: 7/30/92, 7/30/93, 8/29/94

Quorum: 5/2/89, 1/23/92, 8/14/92, 11/16/93, 2/16/94/ 11/18/94

Refreshments: 4/27/87, 3/11/92

Reimbursement of commissioner expenses: 12/17/85, 4/27/87, 6/19/87

Representation of ANCs by OCC: 4/18/86, 10/2/86, 7/29/92

Representativeness: 2/20/90, 3/27/91, 10/23/91, 7/6/92

Secret Ballot: 4/28/88, 2/16/89, 1/31/90, 4/22/91, 11/7/91, 7/14/94

Staff, commissioner serving as: 1/25/89, 4/5/89, 7/3/91, 8/28/91, 4/20/92

Training commissioners, using ANC funds: 3/13/91

Transcripts/tapes, ANC charging for: 3/31/89

Workers Compensation: 9/28/79, 1/14/94

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1994

<u>Date</u>	<u>Source</u>	<u>Subject</u>
January 14	acc	affice keys and access by commissioners
January 14	acc	ANC notice reo location shooting by film crew
January 14	acc	Unemployment and workers' compensation coverage for ANC employees
January 14	acc	Election of ANC officers by secret ballot
February 16	acc	Quorum requirements for commission
February 16	acc	Legal advice reo BZA; judicial litigation
February 22	acc	May ANC newsletter carry paid advertising
March 8	acc	Property insurance coverage for ANCs
March 9	acc	Compelling ANC to hold annual election of officers
March 9	acc	Advice reo verbal challenge to election of Chair
March 29	acc	Disapproved quarterly financial reports
April 19	acc	ANC stationery; listing officer's personal address
April 2a	acc	ANC grant
April 28	acc	Request for legal advice reo BZA application
May 2	camp.Fin.	Conflict of interest: commissioner's connection with tenants association
May 13	acc	ANC resources used for partisan political purposes
May 26	acc	ANC grant to citizens assoc. for annual picnic
June 8	acc	Misc., inc. signing checks, governing structure, and code of ethics
July 12	acc	Allegations of misconduct against ANC chairman
July 26	Auditor	ANC employee( versus contractor"
JULY 21	OCC	Grants & expo for food, entertainment, trips
August 16	Auditor	
August 29	acc	Removal procedure for ANC chairman
September 2	acc	ANC liability for unapproved hiring of staff
October 20	acc	Grants for athletic equipment, uniforms, seminars, and concerts
November 18	acc	Effect of a vacancy on quorum requirements. Effect of tie vote in election for officer position.

3 DAY NOTICE NOT REQUIRED, WHERE AGENCY ISSUES NOTICE OF EMERGENCY  
~~FOR~~ RULE MAKING (POOL FEE)

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1993

<u>Date</u>	<u>Source</u>	<u>Subject</u>
January 25	OCC	Commissioners meeting/organizing city-wide
March 19	acc	Submission of unapproved qtly. financial report
April 8	OCC	ANC staff eligibility for health/life insurance; Do ANC obligations survive election of new mbrs.?
April 26	acc	May ANC chair vote only to break a tie?
May 18	acc	Same person serving as both secretary & treasurer
June 15	acc	Conflict of interest
July 20	acc	Obligation to provide notarized ANC minutes & financial reports to Mayor
July 29	acc	Must ANC provide sign language interpreter at public meeting?
July 30	acc	(2 ltrs.) Removal procedure for ANC chairman
October 13	OCC	Re. legislation allowing ANC to solicit/accept grants over \$400
October 13	OCC	Notice to ANC reo Hurt Home; ANC right to info.
November 5	OCC	What records must be kept of ANC meetings? Removal of commissioner for non-attendance
November 8	OCC	May ANC be placed into receivership? Notice to public of ANC-meetings
November 16	acc	Misc. reo voting procedures on issues before ANC; ,procedure to hire ANC employee
November 29	OCC	ANC grant to citizens assoc. before the BZA

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1991

<u>Date</u>	<u>Source</u>	<u>Subject</u>
January 16	Camp.Fin.	Whether convicted felon may serve as commissioner
January 25	OCC	May commissioner remain after criminal conviction
February 13	GovOps	Oversight over ANCs; temporary ANC officers
March 6	GovOps	Hiring a bookkeeper
March 6	GovOps	Grant to educational project located outside ANC
March 13	oce	May ANC funds pay for ANC training program
March 27	acc	Misc. re.: ANC expenditures, recordkeeping, representativeness, conflict of interest, meeting schedule, open meetings
April 11	OCC	Disposal of ANC office equipment
April 22	OCC	Election of officers by secret ballot
April 29	AUditor	ANC grant to civic association
May 14	GovOps	Propriety of ANC's deposit of funds
May 14	GovOps	Employee labor dispute
May 20	Auditor	ANC grant with federal agency's participation
June 3	oce	ANC grant to summer youth program
June 17	OCC	Benefits due former ANC employee
July 3	Auditor	Hiring commissioner's relative as ANC staff
July 8	Auditor	(two letters) reo ANC grants
August 21	GovOps	Use of ANC stationery
August 28	OCC	May ANC employ a commissioner's relative?
October 23	GovOps	Representativeness; reporting constituents' views
November 7	oec	Filling ANC vacancy by secret ballot
November 20	oce	[old law] procedures to fill SMD vacancy (two letters)

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1992

<u>Date</u>	<u>Source</u>	<u>Subject</u>
January 9	acc	The effect of a tie vote on ANC officer elections
January 22	OCC	[old law] Procedures for ANC to fill SMD vacancy
January 23	acc	Quorum requirements; nomination of ANC officers at non-public meeting
February 11	GovOps	Purchasing/redistricting office space; donations
March 5	acc	ANC grant to plant trees on public space
March 10	OCC	Request for legal advice reo BZA regulation
March 11	acc	ANC purchase of refreshments; ANC delegation of authority
March 11	acc	Declaration of SMD vacancy by Board of Elections; Disqualification of Commissioner for failing to report address change
April 14	GovOps	[old law] Procedures for ANC to fill SMD vacancy
April 20	GovOps/	Disqualification of commissioner if moved; propriety of commissioner being staff to another ANC
April 24	BaEE	
May 11	GovOps	Improper expenditures Effect of tie vote on election of ANC officers
May 12	OCC	Election required despite officers holding over,
July 6	GovOps	ANC notice; impartiality; "representationll
July 9	OCC	Donations to ANC (photocopying & meeting hall)
July 16	GovOps	ANC grant procedures
July 28	GOvOps	Transmittal of ANC decision after a tie vote
July 29	OCC	Corp Counsel representation of ANC committee mbrs.
July 30--	GOvOps	Removal of ANC officers; misc. requirements
July 30	GovOps	Removal of officers; misc. reo grants & expenses
August 14	GOvOps	Quorum & legitimacy of officers
August 14	GovOps	Commissioners' behavior; misc. requirements
October 22	OCC	Applicability of Americans with Disabilities Act
December 1	OCC	Expenditure of funds without Commission approval
December 16	GovOps	Propriety of general "reimbursements"
December 28	OCC	ANC grant to church recreation program

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1990

<u>Date</u>	<u>Source</u>	<u>Subject</u>
January 30	GovOps	Open mtgs., duly noticed; allowing community views
January 31	OCC	Election of officers must be at open meeting
February 6	GovOps	Conflict of interest
February 16	GovOps	Election of officers, generally
February 20	DCC	Representativeness (open meetings; communicating ANC decisions; incorporating residents' views)
May 24	DCC	Use of ANC stationery & use of official seal

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1989

<u>Date</u>	<u>Source</u>	<u>Subject</u>
January 25	Auditor	Hiring a commissioner's spouse as staff person
February 9	DeC	D.C. agency providing free office/equipment to ANC
February 16	DCC	Propriety of secret balloting by AMes
March 31	Gen. Cnsl.	Employee of Mayor or Council serving on ANC
March 31	ace	Notice of ANC mtg.; propriety of exec. session
March 31	oce	Charge by ANC for tapes & transcripts of its mtg.
April 5	DeC	ANC commissioner serving as staff employee
April 13	Gen. Cnsl.	Authority of commissioner over activities in SMD
May 2	GovOps	Quorum
June 20	DCC	Restricting commissioner expressing minority views Access by ANC commissioners to their ANC office
July 24	DCC	Are ANCs prohibited from organizing city-wide?
August 9	oec	Moving an ANC's office; representativeness

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1988

Date	<u>Source</u>	<u>Subject</u>
January 25	Auditor	Financial procedures
April 28	acc	Propriety of secret balloting

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1987

Date	<u>Source</u>	<u>Subject</u>
January 6	acc	Whether ANC failed to give proper notice to public
January 13	Auditor	Grant to senior citizens program is allowable
January 28	Auditor	Misc. reo employees, grants
January 29	Auditor	Grant to organization not "public purpose"
April 23	acc	Re. legal assistance by acc to Auditor investigating an ANC
April 27	Auditor	Legality of petty cash fund; commissioner reimbursements; purchase of refreshments/entertainment
May 19	GCC	ANC participation in litigation
June 19	Auditor	ISMD grants" to reimburse commissioner expenses
July 17	Auditor	Grant to policeman's memorial fund
July 17	Auditor	ANC conducting (& funding) a youth program
July 17	Auditor	Release of compensation to relatives of deceased ANC employee
September 14	GCC	ANC grant to support D.C. Public Schools
September 16	acc	Whether more than one ANC can be Unaffected" (for purposes of notice and great weight)

opinions Regarding Advisory Neighborhood Commissions

1986

	<u>Source</u>	<u>SUBject</u>
January 10	OCC	Grant of funds to PTA or pUBLIC school to support computer programs, musical instruction of cultural field trips
May 19	oce	Legal restrictions on ANC spending and role of Auditor vis-a-vis ANC expenditures
May 22	occ	Auditor's oversight rule with respect to ANe expenditures
October 2	occ	Whether ANC funds may be used to purchase health or liability insurance
October 21	oce	Propriety of grant by ANC to defray private association's legal fees incurred in a Board of Zoning Adjustment case
October 27	oce	Propriety of opening an ANC meeting with a prayer or a moment of silence
December 1	oce	Propriety of use of ANC funds for legal assistance to residents who oppose a shelter for persons with AIDS

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1985

<u>Date</u>	<u>Source</u>	<u>Subject</u>
April 8	ace	Conflict of interest (commissioner has negotiated an agreement with BZA applicant before ANC)
April 8	acc	Joint meeting/action; funding demonstration
April 26	AUditor	Flowers for ANC commissioner not "public purpose"
September 11	Auditor	Grant to little league project not public purpose
October 22	Auditor	ANC may not purchase office space
November 8	OCC	Ethical standards, conflict of interest
December 11	OCC	Auditor's authority to promulgate rules reo ANCs
December 17	Auditor	Reimbursement and/or compensation to commissioners
December 17	AUditor	Purchase of athletic trophies not "public purpose"

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1981 - 1984

<u>Date</u>	<u>Source</u>	<u>Subject</u>
8/2/84	Auditor	Donations to ANCs require Council legislation

OPINIONS REGARDING ADVISORY NEIGHBORHOOD COMMISSIONS

1976 - 1980

<u>Date</u>	<u>Source</u>	<u>Subject</u>
8/23/76	OCC	Notice requirements to ANCs ("special" notice) [overturned in part by Kopff court case]
4/19/77	OCC	ANC expenditures for litigation
6/1/79	Auditor	ANC letterhead
6/4/79	Audi tor	"public purpose" criteria for ANC grants
6/18/79	Gen. Cnsl .	Solicitation & acceptance of funds by ANCs
9/28/79	OCC	Workers' comoensation coverage for ANC employees