

# Government of the District of Columbia

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IN REPLY REFER TO:  
OLC:LNG:lng  
(AC-96-370)

August 2, 1996

Dorothy L. Miller  
Commissioner  
Advisory Neighborhood Commission 2-A  
2440 Virginia Avenue, N.W.  
Washington, D.C. 20037

Re: Notice requirements applicable to Advisory  
Neighborhood Commission public meetings

Dear Commissioner Miller:

This letter is in reply to your July 8, 1996 letter to Leo Gorman of this Office in which you seek advice concerning the notice required to be given by an Advisory Neighborhood Commission (ANC) of a public meeting of the ANC.

The applicable provisions of law regarding notice of ANC public meetings are subsections (b) and (c) of section 14 of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-262 (b) and (c) (1992) (copy enclosed). Under these statutory provisions, ANC public meetings may be either "regular" meetings or "emergency" meetings. Regular meetings are those meetings that occur at regular intervals at least 9 times each year, and which comprise the "schedule of regular commission meetings" that should be adopted by each ANC "at its first meeting of the calendar year." Emergency meetings are those meetings that are not listed in the schedule of regular Commission meetings. With respect to "all meetings," both regular and emergency, an ANC is required to "give notice...to each Commission member and residents of the Commission area no less than 7 days prior to the date of such meeting." However, notice of a regular meeting or of an emergency meeting may be given less than 7 days in advance of the meeting "in the case of an emergency or for other good cause."

We interpret these statutory provisions to require that separate notice of each public ANC meeting, whether it be a regular or an emergency meeting, be given to each Commissioner of the ANC and to the residents of the Commission area. Normally, at least 7 days notice is required. However, less than 7 days notice of a regular or emergency meeting is permissible if there is "good cause" why

the 7-day requirement cannot reasonably be satisfied. Even in a situation where an "emergency" or some other "good cause" exists that justifies something less than 7 days notice of a regular or emergency meeting, notice must nevertheless be given in a manner that permits the Commissioners and the residents of the Commission area to have some reasonable opportunity to learn of the meeting in advance of its taking place and, therefore, some reasonable opportunity to attend the meeting if they are able to do so. Stated otherwise, we do not interpret the statutory language to permit an ANC to dispense with or "waive" the requirement of advance notice of a regular or emergency meeting because of an "emergency" or because of some other "good cause." And, as we stated in our April 17, 1996 letter of advice to you, if an ANC fails to comply with this notice requirement, the "meeting is not a public meeting within the intent of the Advisory Neighborhood Commissions Act of 1975, and no official action may validly be taken at such meeting."

sincerely,

Charles F.C. Ruff

By:



Karen L. Cooper

Director

Office of Legal Counsel

Enclosure

cc: The Honorable Harold Brazil  
Chairman  
committee on Government Operations  
Council of the District of Columbia

Betty King  
Director  
Office of the Ombudsman

Ayo Bryant  
Director  
Office of Diversity and  
Special Services

Deborah Nichols  
Interim D.C. Auditor

Sara Maddux  
Chairperson  
ANC 2-A

D.C., 555 A.2d 1029 (1989); *Beins v. District of Columbia Bd. of Zoning Adjustment*, App. D.C., 582 A.2d 949 (1990).  
D.C., 572 A.2d 122 (1990); *Draude v. District of*

§ 1-262. Same - Meetings; bylaws governing operation and internal structure; officers.

(a) Repealed.

(b) Each Commission shall meet in public session at regular intervals at least 9 times per year at locations that are designed to reasonably accommodate the residents of the Commission area, depending on the issues to be considered by the Commission. To the extent possible, each Commission shall, at its 1st meeting of the calendar year, adopt a schedule of regular Commission meetings for the remainder of the calendar year. Each Commission shall, at its public meetings, consider and make recommendations on matters before the Commission that may include, but are not limited to, actions or proposed actions of the Council, the Mayor, executive branch agencies, or any independent agency, board, or commission. Each Commission shall set aside a portion of each public meeting to hear the views of residents within the Commission area and other affected persons on problems or issues of concern within the Commission area and on proposed District government actions that affect the Commission area. Community views shall be adequately considered in positions taken by the Commission. Each Commission shall establish mechanisms to ensure the broadest dissemination of information with respect to Commission meetings, positions, and actions.

(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 within the Commission area;

(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.

(d) Each Commission shall establish bylaws governing its operation and internal structure.

(1) These bylaws shall include a statement of Commission responsibilities, voting procedures, the establishment of standing and special committees, the manner of selection of chairpersons and other officers, procedures for prompt review and action on committee recommendations and procedures for receipt of and action upon constituent recommendations at both the single-member district and Commission levels. Said bylaws shall be consistent with the provisions of this act and other applicable laws and shall be a public document.

(2) An up-to-date copy of each Commission's bylaws and all amendments thereto shall be filed with the Council of the District of Columbia within 30 days of any amendment to the bylaws. No Commission shall be entitled to