

# Government of the District of Columbia

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IN REPLY REFER TO:  
OLC:LNG:lng  
(AL-96-387)

September 17, 1996

Dorothy Miller  
Commissioner  
Advisory Neighborhood Commission 2-A  
2440 Virginia Avenue  
Washington, D.C. 20016

Re: Questions relating to Advisory Neighborhood  
Commission procedures

Dear Commissioner Miller:

This is in reply to your August 6, 1996 letter in which you seek the advice of this Office concerning a number of questions relating to Advisory Neighborhood Commission (ANC) procedures.

Your first question is: "May the Chair without a vote suspend or cancel a meeting?" I understand your question to be whether, once an ANC meeting has started, may the chairperson summarily adjourn the meeting without a vote of the commissioners present. There is no applicable statutory provision governing this question, nor is it addressed by ANC 2-A's Rules of Procedure and Bylaws. Therefore, the Robert's Rules of Order (9th ed. 1990) (Robert's) must be examined for the answer. See the last sentence of D.C. Code § 1-263(e) (1992): "Where not otherwise provided, the procedures of the Commission shall be governed by Robert's Rules of Order. .,1

According to Robert's, there appear to be two circumstances under which the chair may adjourn a meeting without a vote by the members. As stated in § 21, at pp. 239-240:

If an hour for adjourning a meeting within a convention or other session of more than one meeting has been pre-scheduled--either in an agenda or program or by the

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In relying of Robert's to answer other of your questions, I have determined that neither statutory law nor ANC 2-A's Rules of Procedure and Bylaws provides any guidance.

adoption of a motion setting a time--no motion to adjourn is necessary. \* \* \*

When it appears that there is no further business in a meeting of an ordinary local society that normally goes through a complete order of business at each regular meeting, the chair, instead of waiting or calling for a motion to adjourn, can ask, "Is there any further business?" If there is no response, the chair can then say, "Since there is no further business, the meeting is adjourned."

This first circumstance is not likely to occur in the context of an ANC meeting. The second is a much more likely circumstance. In any event, unless one or the other of these above-quoted circumstances is applicable, it appears that under Robert's, a chairperson of an ANC may not properly adjourn a meeting without conducting a vote of the commissioners present. See generally, § 21, at pp. 232-239, and § 6, at pp. 67-68. (Of course, if it is determined that a quorum is not present, "[t]he only action that can legally be taken... is to fix the time to which to adjourn, adjourn, recess, or take measures to obtain a quorum." Robert's, § 39, at p. 342.)

Your second question is as follows: "Does only the Chair have a right to put items on the Agenda?" At § 40 on p. 367, Robert's speaks of an agenda as being the order of business that is "adopted by a majority vote." This implies that any member of an organization may make a motion to have a matter placed on the agenda for a particular meeting. If there is opposition to such a motion, the matter would be decided like any other motion. See also, § 40 on page 355, where Robert's discusses the "New Business" portion of a meeting in the following language:

After unfinished business and general orders have been disposed of, the chair asks, "Is there any new business?" Members can then introduce new items of business, or can move to take from the table any matter that is on the table.... So long a members are reasonably prompt in claiming the floor, the chair cannot prevent the making of legitimate motions or deprive members of the right to introduce legitimate business, by hurrying through the proceedings. [Emphasis added.]

Your third question is as follows: "What information is required to be on the Public Notice of ANC Meetings?" Minimally, such a notice must have the date, time, and location of the meeting. Although not legally required, it is recommended that if possible, such notice should also contain information concerning the principal items on the meeting's agenda. See Robert's § 40, at pp. 369-370.

Your fourth question is as follows: "What information is

necessary to be included in the Minutes of the Monthly Public Meeting?" What should be included in the minutes is set forth in § 47 of Robert's, at pp. 458-460. Since you have a copy of Robert's, it is not necessary to repeat here what is set forth there in this regard.

Your fifth question is: "What are the legal requirements for the expenditure and approval of ANC funds?" The legal requirements for the expenditure and approval of ANC funds are set forth in D.C. Code §§ 1-251 and 1-264 (1992), copies of which you have. Generally speaking the expenditure of all funds by an ANC for any purpose must be approved by the full commission. This does not mean, however, that each and every expenditure of funds, for example for the purchase of minor items of office supplies, must be separately approved by the commission. If, for example, a commission approves a budget that authorizes a certain amount of money to be spent for routine office supplies during a specific period of time, such as a fiscal quarter or a fiscal year, purchases of such routine office supplies within that approved budget may be made without the commission's having separately to approve each such purchase.

Your final question is: "Do all Commissioners in an ANC have a right to know the location [of] and to examine[] the financial records of their Commission?" since all commissioners of an ANC have the duty to comply with the applicable provisions of law regarding the expenditure of ANC funds, it follows that every commissioner in an ANC has a legal right to know the location of and to examine all the financial records of the commission of which he or she is a member. Compare D.C. Code § 1-264(p) (1992), which provides that "[a]ny Commissioner within an individual Commission shall have equal access to the Commission office in order to carry out Commission duties and responsibilities." The right to examine the financial records of the ANC are, of course, sUbject to reasonable time, place, and manner limitations.

Sincerely,

Charles F.C. Ruff

by:

*Karen L. Cooper by LNR*

Karen L. Cooper

Director

Office of Legal Counsel

cc: The Honorable Harold Brazil  
Chairman, committee on Government operations  
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