

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

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IN REPLY REFER TO:
OLC:LNG:lng
(AL-96-640)

January 15, 1997

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

Re: Posting of notices of ANC meetings

Dear Commissioner Miller:

This *is* in response to your December 13, 1996 letter in which you seek the advice of this Office concerning the posting of notices of Advisory Neighborhood Commission (ANC) meetings.

One of the ways an ANC may give notice of an ANC public meeting is by "[p]osting written notices in at least 2 conspicuous places in each single-member district within the Commission area." See section 14(c) (1) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-262(C) (1) (1992). If an ANC chooses to utilize this method of giving the public notice of its meetings, you ask whether there is a "presumption" that "each Commissioner is responsible for his or her single Member District posting." The statutory language implies no such presumption. The first sentence of section 14(c) makes it clear that it is the "commission" that is responsible for satisfying the notice requirements. An ANC may, as a matter of internal procedure, assign to each Commissioner the responsibility of posting written meeting notices in at least two conspicuous places within that Commissioner's single-member district, but such a posting procedure is not required by statutory law.

Next, you ask whether the posting of a notice is valid if the meeting place shown on the notice is incorrect. To be valid, a notice must provide substantially correct information as to the time and place of the meeting.

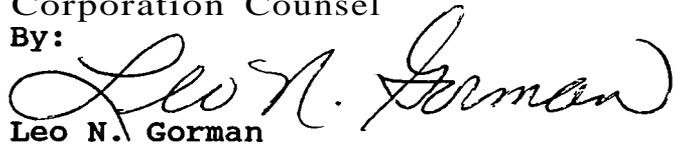
Your final question is whether it is legally permissible to post ANC meeting notices on trees and lampposts that are situated on public space. In this regard, you have enclosed with your letter a copy of 24 DCMR (Public Space and Safety) § 108 (February

1985). That section permits the affixing of a sign, advertisement, or poster to a public lamppost subject to certain conditions. Thus, it appears that an ANC meeting notice may be affixed to a public lamppost so long as the conditions specified in section 108 are met. As to trees located on public space, section 108.2 prohibits the "placing of any advertisement on any tree in public space...". The regulations do not define the term "advertisement." A notice of an upcoming ANC meeting would not appear to be an "advertisement" within the intent of that term as it is used in section 108.

sincerely,

Charles F.C. Ruff
Corporation Counsel

By:



Leo N. Gorman
Assistant Corporation Counsel
Office of Legal Counsel

cc: The Honorable Kathleen Patterson
Chairperson
Committee on Government Operations
Council of the District of Columbia

Betty King
Director
Office of the Ombudsman

Ayo Bryant
Director of Diversity and Special Services

Sara Maddux
Chairperson
ANC 2-A