

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST. N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:
OLC:LNG:lng
(AL-97-024)

January 16, 1997

Barbara Kemp
Commissioner
Advisory Neighborhood Commission 8-C
3845 Halley Terrace, S.E.
Washington, D.C. 20032

Re: Advisory Neighborhood Commission Quorum
Requirements

Dear Commissioner Kemp:

This is in reply to your January 14, 1997 request for the advice of this Office as to the quorum requirements for Advisory Neighborhood Commission (ANC) 8-C.

You state that ANC 8-C has eight single-member districts, and that in the recent election persons were elected to represent seven of those districts. You state that, at the present time, one single-member district in ANC 8-C remains unrepresented.

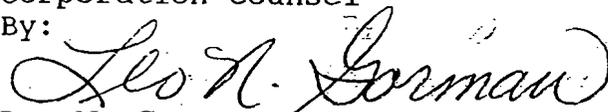
We have addressed this question on several occasions in the past. Our most recent letter of advice in this regard is the June 15, 1995 letter to the chairperson of ANC 2-A. A copy of that letter is enclosed.

To summarize our past quorum advice: in the context of an ANC with eight single-member districts, for all purposes except one the the quorum number is five, i.e., a majority of the total number of positions in the ANC, whether actually filled by incumbents or not. The one exception is the adoption of written recommendations on a proposed District government action under section 13(d) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code 1-261(d) (1992). For this purpose, the quorum requirement is satisfied if "a majority of the elected representatives of the Commission is present." Id. (Emphasis added.) In the case of ANC S-C, presently a majority of the elected representatives is four. Thus, if only four commissioners of ANC 8-C were available for a particular monthly public meeting, the ANC could meet, but the only official

action that ANC 8-C could validly take at such a meeting would be to adopt written recommendations on a proposed District government action. To validly take any other official action, a fifth commissioner would have to be present.

Sincerely,
Charles F.C. Ruff
Corporation Counsel

By:



Leo N. Gorman
Assistant Corporation Counsel
Office of Legal Counsel

Enclosure

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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