

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CORPORATION COUNSEL

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Office of Government Operations
Legal Counsel Division

February 13, 2001

Virginia L. Major
Commissioner, ANC 8C
3301 5th Street, S.E.
Washington, D.C. 20032
By Fax: 561-8204

Re: Notice of February 7, 2001 Advisory Neighborhood Commission Meeting

Dear Ms. Major:

This responds to your letter of February 8, 2001 and our conversation of that date. You request advice regarding the regular Advisory Neighborhood Commission (ANC) 8C meeting held on February 7, 2001. You advise that ANC 8C's meetings are held at various places throughout the Commission area and that the practice has been that the location for a regular meeting is announced at the prior public meeting, and that notices are sent to a mailing list of persons, published in the ANC newsletter, and posted in various locations. The minutes of the January 2001 meeting reflect that the ANC informed the public that all further meetings would take place at the ANC office. Subsequently you state, and the agenda for the February 7, 2001 meeting reflects, that the meeting location was changed. You state that some Commissioners, including yourself, were not told of the new location until Monday, February 5th. Furthermore you state that "no effort was made to place notices in each Single Member District either by posting a notice, calling, or publishing in a paper as required by the ANC Law." You advise that when you became aware of the change in location, you posted several notices and made some phone calls to alert the community. You ask whether the actions taken during the February 7th meeting are "legitimate".

Notice of ANC meetings is governed by section 14(c) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Code § 1-262(c), as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000 ("ANC Reform Act"), effective June 27, 2000, D.C. Law 13-135.

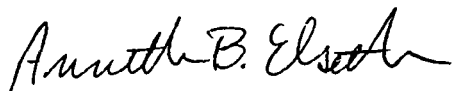
Each Commission shall give notice of all meetings or convocations to each Commissioner, individuals with official business before the Commission, and residents of the Commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings must include, but is not limited to, at least 2 of the following:

- (1) Posting written notices in at least 4 conspicuous places in each single-member district within the Commission area;
- (2) Publication in a city or community newspaper;
- (3) Transmitting or distributing notice to a list of residents and other stakeholders in the community; and
- (4) In any other manner approved by the Commission. 1

"To be valid, a notice must provide substantially correct information as to the time and place of the meeting." *See* attached letter dated January 15, 1997 from Leo N. Gorman, Asst. Corporation Counsel, to Dorothy Miller, Commissioner, ANC 2A. If, as you describe, the only notice of the meeting with the correct information as to location was your posting of a few notices in less than 4 places in each single member district, and making some phone calls one or two days before the meeting, then the notice was inadequate under the law,² The result of the ANC's failure to comply with the statutory notice requirement is that no official action may be taken at the meeting. *See generally*, October 16, 1996 letter from LeoN. Gorman, Asst. Corporation Counsel to Dorothy Miller, Commissioner, ANC 2A (attached). Therefore, any action taken by the ANC at the February 7, 2001 meeting is invalid.

If you have any further questions please do not hesitate to contact me at 724-5537.

Sincerely,



Annette B. Elseth
Assistant Corporation Counsel
Legal Counsel Division

ABE/abe
(AL-O 1-090)

Attachments

¹ Section IV of ANC 8C's by-laws requires that notice of regular meetings be given "by posting written announcements in at least two conspicuous places in each single-member district." Because of the recent passage of the ANC Reform Act, the by-laws are now out of date and should be revised.

² You have given no indication that there was "good cause" for a shorter notice period. Even if there was good cause for a shorter notice period in this instance, the shortened time period for notice does not affect the type and amount of notice required by law.