

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL

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Office of Government Operations  
Legal Counsel Division



June 15, 2001

Commissioner Daniel M. Pernell, III  
Advisory Neighborhood Commission 6A  
1132 14<sup>th</sup> Street, N.E.  
Washington, D.C. 20002

Re: Effect of motion to adjourn

Dear Commissioner Pernell:

This responds to your letter dated May 28, 2001<sup>1</sup> wherein you dispute several of the facts that were the basis of advice provided to Commissioner Ivette Basterrechea, Chair of Advisory Neighborhood Commission (ANC) 6A, on May 16, 2001. Specifically you state that with regard to the motion to adjourn that was the subject of a dispute at the April 5, 2001 meeting, that 1) Commissioner Philip Edwards, who made the motion, sought to be and was in fact recognized by the Chair prior to making the motion to adjourn; 2) after the motion was seconded "A majority of those commissioners present accepted the motion and because it was late. Those commissioner left immediately after the motion"; 3) while the majority of commissioners were leaving, a substantive motion was made concerning an ABC license, but you do not recall a second; and 4) a majority of commissioners left the meeting before the vote on the substantive motion and only 5 commissioners remained and voted on the motion regarding the ABC license.

It is not my position as an advisor to the ANC to investigate and determine what really happened at the April 5<sup>th</sup> meeting. It is my obligation to provide advice to ANCs and Commissioners based on the facts that are presented to me. I provided Ms. Basterrechea with advice based on the facts as she recounted them. Based on the facts as you have presented them, if a Commissioner was recognized and made a motion to adjourn, which was seconded, then the Chair would have been in error in failing to call a vote on the motion to adjourn. However, a motion to adjourn that is made prior to the completion of the agenda does not automatically adjourn the meeting. A vote must be taken in favor of adjournment in order for the meeting to be considered adjourned. The motion alone does not adjourn the meeting.<sup>2</sup> Even if the Chair should have called for a vote on the motion to adjourn, you indicate that a majority of Commissioners immediately left the meeting. If the majority of commissioners left the meeting immediately after the motion to adjourn leaving only 5 commissioners, then, regardless of whether a vote should have been taken on the motion to adjourn, the remaining Commissioners

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<sup>1</sup> Postmarked June 5, 2001.

<sup>2</sup> If ANC 6A wants to allow "consent" adjournment to take place prior to the completion of the agenda, it may do so by adding such a procedure to its bylaws.

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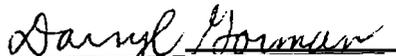
would not have had a quorum during the vote on the ABC license issue. Official actions of the ANC that are taken without a quorum are invalid.

If you believe that the evidence supports the facts as you have presented them regarding what took place at the meeting, you should present that evidence to the ABC Board along with your assertion that the vote on the ABC matter was invalid. The ABC Board will make the factual determination as to the validity of the recommendation made by ANC 6A.

If you have any questions with regard to the role of this Office, please contact Annette Elseth, Assistant Corporation Counsel, Legal Counsel Division, at 724-5537, or me at 724-5493.

Sincerely,

ROBERT R. RIGSBY  
Corporation Counsel

  
ARRYL

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(AL-01-269B)