

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL**



**Legal Counsel Division**

February 12, 2007

Commissioner Larry Ray  
ANC 1A-07  
1003 Otis Place, N.W.  
Washington, D.C. 20010

Re: Notice and Other Requirements for ANC Meetings

Dear Commissioner Ray:

This is in response to your e-mail message, dated January 10, 2007, in which you complain about an Advisory Neighborhood Commission (ANC) commissioner. In your letter you advise that Anne Theisen of ANC 1A organized and conducted a meeting on January 8, 2007 for “select” ANC commissioners but that seven (7) days notice was not provided to the public nor was the public invited. You also state that the meeting was conducted at a restaurant and that business was conducted at the meeting in that by-laws were distributed and an orientation was conducted for newly elected commissioners.

Notice of ANC meetings is governed by section 14(c) of the Advisory Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, as amended, D.C. Official Code § 1-309.11(c) (2006 Repl.), which provides:

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.

Any official actions taken at meetings for which proper notice was not given are invalid. *See* Letter to Dorothy Miller, ANC 2A, April 17, 1996.

Moreover, ANCs are subject to the open meetings provisions of D.C. Official Code § 1-207.42(a), and ANCs are not permitted to close meetings to the public unless “personnel or legal matters are discussed.” D.C. Official Code § 1-309.11(g).

Finally, ANCs are required to hold their meetings at “locations that are designed to reasonably accommodate the residents of the Commission area, depending on the issues to be considered by the Commission.” D.C. Official Code § 1-309.11(b)(1) (2006 Repl).

Certainly, if this was one of the ANC’s nine (9) required annual meetings, the procedures you allege occurred above would have been inadequate to meet the statutory requirements and any official actions would have been invalid. However, based upon what you state, it is not clear to us that this was a meeting that would have triggered these statutory safeguards.

An important question is whether the meeting was intended to be a formal meeting or simply an informal gathering of ANC commissioners to meet the newly elected commissioners and discuss various ANC related issues. As we have determined previously, if the meeting was nothing more than an informal gathering of commissioners, the meeting requirements under the ANC Act would not apply and there would have been no notice required at all. *See* Letter to Ahmed Assalaam, ANC 6D, January 26, 2006.

Key to an analysis concerning whether the meeting was a true meeting under ANC law would be whether any official action was purportedly taken. *See id.* It does not appear from what you provide that the attendees attempted to do so. Distributing the ANC’s by-laws and providing a general orientation to the newly elected commissioners at a local restaurant does not suggest an attempt to take official action. In our view, official action would be some sort of positive decision by the commissioners for the ANC to do a certain thing or refrain from taking a certain action, rather than simply discussing the role of the ANC in general terms (the type of subject area one might expect during an orientation). Moreover, as a practical matter, we wish to note that the traditional remedy for an improperly noticed meeting – nullification of the purported action – would not be available here because there was no action which could be nullified.

Accordingly, we conclude, based upon the limited information you have presented to us, that the gathering of ANC 1A commissioners on January 8, 2007, at a local restaurant to distribute the ANC’s by-laws and conduct a general orientation for newly elected commissioners, was not a meeting under the ANC Act in which the notice requirements and other procedures for official meetings would have been triggered.

Sincerely,

LINDA SINGER  
Attorney General for the District of Columbia

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/s/

LS/dps

(AL-07-015)