

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

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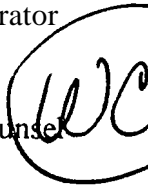
IN REPLY REFER TO:

Prepared by: LCD: WCW: srz
(AL-98-237)

June 10, 1998

MEMORANDUM

TO: Wil J. Parker
Assistant City Administrator

FROM: Wayne C. Witkowski 
Deputy Corporation Counsel
Legal Counsel Division

SUBJECT: Quorum requirements for ANC 4-B

This is in response to your May 19, 1998 memorandum to the Corporation Counsel requesting clarification of the quorum requirements applicable to ANC 4-B. Your memorandum indicates that ANC 4-B has 10 single-member districts, four of which are filled and six of which are vacant. 1

As you are aware, sections 13(d) and 14(b) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code §§ 1-261(d) and 1-262(b) (1992), were amended by section 2 of the Advisory Neighborhood Commissions Quorum Definition Act of 1998, effective April 27, 1998, D.C. Law 12-91. Amended D.C. Code §1-262(b) provides in pertinent part:

"A Commission may declare a quorum and take official action if a majority of elected representatives of the Commission is present, provided that a majority of the single-member districts have representatives on the Commission pursuant to section 8 [which governs the procedures for the election of ANC Commissioners]"

According to the June 3, 1998 List of Advisory Neighborhood Commissioners prepared by the D.C. Board of Elections and Ethics, ANC 4-B has five -- not four -- elected commissioners. Although the figure quoted in your May 19th memorandum is different than the one quoted in the June 3, 1998 list prepared by the D.C. Board of Elections and Ethics, the difference between these figures is immaterial to the analysis in this memorandum. Of course, the one commissioner-elect in ANC 4-B is not counted as an elected representative for the purpose of fulfilling a quorum.

Because there currently are only four --or, if the June 3, 1998 list prepared by the D.C. Board of Elections and Ethics is correct, only five -- elected commissioners among the ten single-member districts in ANC 4-B, a quorum to take official action under D.C. Code § 1-262(b) requires that a minimum of six commissioners be present at any meeting of ANC 4-B. Absent such a quorum, ANC 4-B cannot lawfully take any official action.

I note that a quorum of six would not be required if ANC 4-B had at least six -- instead of five or fewer -- elected commissioners. (Six elected commissioners would comprise a majority of the 10 single-member districts in ANC 4-B.) If ANC 4-B had six elected commissioners, then it could take official action with a quorum of only four (ie., a majority of the six elected commissioners) in accordance with the provision of D.C. Code § 1-262(b) quoted above. However, ANC 4-B does not currently have six elected commissioners; rather, it has at most five elected commissioners. Therefore, even if all the current elected commissioners are present at a meeting, the official business of ANC 4-B cannot be lawfully conducted.

If you have any questions concerning this memorandum, please do not hesitate to call me at 727-3400.

WCW

cc: Robert Richard, Sf.
(by telecopier: 829-8233)