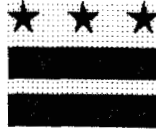


GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

July 1, 2008

Don Pardou
Commissioner, ANC 5A-07
1335 Lawrence Street, N.E.
Washington D.C. 20017

Re: Procedures regarding resolutions passed by ANC and permissible use of
letterhead

Dear Commissioner Pardou:

This responds to your May 19, 2008 letter to Peter Nickles, Acting Attorney General, in which you request advice regarding the proper procedures for issuing and submitting resolutions passed by the ANC and the use of letterhead by individual Commissioners.

According to your letter, at a regularly scheduled meeting on April 23, 2008, at which a quorum was present, ANC 5A passed a resolution supporting the application submitted by the Greater Brookland Garden Club ("Garden Club") to the District of Columbia Department of Transportation ("DDOT") to operate a farmers' market. You state that because the Chair of ANC 5A (Angel Alston) had to leave the meeting early, you signed the resolution and sent it on ANC 5A letterhead to DDOT. You also state that you are not an officer of the Commission.

Further, you state in your letter that you sent a letter as an individual ANC Commissioner supporting the Garden Club's application on your own letterhead that included at least two elements in common with ANC 5A's official letterhead.

You seek advice with regard to the following three questions:

1. Who may submit a resolution passed by an ANC to the relevant government agency and how is the validity of the resolution affected by the nature of its submission?
2. Does a resolution, duly passed by the ANC, need to be signed? If so, who can sign it?

3. What rules restrict the sort of letterhead an ANC Commissioner may use on official correspondence?

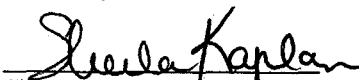
After considering the circumstances described in your letter, I conclude as follows:

- 1 & 2. Your first two questions involve procedural matters that are not specifically covered under the Advisory Neighborhood Commissions Act of 1975 ("ANC Act"), effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.01 *et seq.* (2006 Repl.). Section 14 of the ANC Act, as added by the Duties of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976, D.C. Law 1-58, D.C. Official Code § 1-309.11(e)(3), provides that Robert's Rules of Order ("Robert's") apply regarding procedures not otherwise covered in the ANC Act. According to Robert's, it is the presiding officer's duty to authenticate by his or her signature all proceedings needing authentication. Robert's at 434, para.10. Further, the secretary may certify all acts of the assembly unless the by-laws provide otherwise. *Id.* at 443, para 7. In the absence of the secretary, a secretary *pro tem* should be elected to fulfill the duties of the secretary. *Id.* at 443. Based on these provisions in Robert's, either the chair or the secretary, or if elected the secretary *pro tem*, is authorized to authenticate or sign resolutions passed by the Commission. Because you did not hold any of these positions in the Commission, and were not otherwise authorized to assume the duties of these positions, the resolution was not properly signed; and therefore not valid for submission to DDOT.
3. As to the use of your letterhead to express your views, there are no specific rules that restrict the use of letterhead by individual ANC Commissioners. The main consideration should be that the use of letterhead by an individual Commissioner not be so similar as to result in confusion regarding the source of the communication. In this case, it is the receiving District agency that must decide as to whether it will accept your letter sent in support of the Garden Club.

If you have any questions about this letter, please contact me at 724-5386.

Sincerely,

PETER J. NICKLES
Acting Attorney General

By: 
SHEILA KAPLAN
Assistant Attorney General
Legal Counsel Division

cc: Gottlieb Simon, Executive Director, OANC