

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:

Prepared by: OLC:LNG
(AC-98-110)

March 26, 1998

Marvin Fields
Commissioner, ANC 6-A
604 12th street, N.E.
Washington, D.C. 20002

Gregory J. Ferrell
Commissioner, ANC 6-A
618 19th street, N.E.
Washington, D.C. 20002

Daniel Pernell III
Commissioner, ANC 6-A
1142 4th street, N.E.
Washington, D.C. 20002

Re: ANC 6-A election of officers conducted
in December 1997

Dear Commissioners Fields, Ferrell, and Pernell:

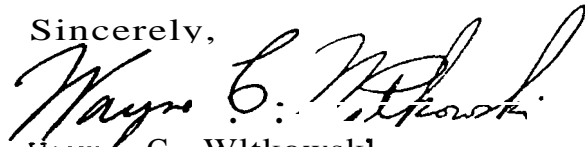
This is in reply to your January 12, 1998 letter to Mr. William Bennett of this Office and to your February 19, 1998 letter to Corporation Counsel John Ferren. In those letters, you raise questions concerning the propriety of an election of Advisory Neighborhood Commission (ANC) 6-A officers that took place on December 18, 1997.

Your concerns relate to whether proper notice of the time and place of the December 18, 1997 meeting was given to all commissioners of ANC 6-A so as to enable them to participate in this election of ANC officers. Each ANC commissioner is entitled to receive timely notice of the time and place of each ANC meeting at which any official ANC business is proposed to be transacted. Normally, notice of the time and place of a meeting must be given "no less than 7 days prior to the date of such meeting." However, the statute also provides that "[s]horter notice may be given in the case of an emergency or for other good cause." See section 14(c) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-262(c)

(1992) .

The question of whether adequate notice of the time and place of the December 18, 1998 ANC 6-A meeting was given to each commissioner need not be resolved, however, because the purported election of officers at that meeting was invalid for another reason. section 14(e) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-262(e) (1992), provides in pertinent part that "[e]ach Commission shall elect from among its members at a public meeting of the Commission held in January of each year a Chair person, vice-chairperson, secretary, and treasurer." (Emphasis added.) Thus, ANC 6-A's holding of the election of officers in December of 1997 violated the statutory requirement that such election be held in January of each year. ANC 6-A should conduct a new election of officers at its next regularly scheduled meeting.

Sincerely,



Wayne C. Wltkowski
Director
Office of Legal Counsel

cc: The Honorable Kathleen Patterson
Chairperson
committee on Government Operations
council of the District of Columbia

William Vazquez
Director
Office of the Ombudsman

Ayo Bryant
Director
Office of Diversity and Special Services

Deborah K. Nichols
Interim D.C. Auditor