

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CORPORATION COUNSEL



Office of Government Operations  
Legal Counsel Division

August 2, 2001

Rev. Edward H. Harris  
Commissioner  
Advisory Neighborhood Commission 7C  
1101 51<sup>st</sup> Place, N.E.  
Washington, D.C. 20019

Re: Appointment to ANC and access to records

Dear Commissioner Harris:

This responds to your request of July 26, 2001 for advice regarding two issues in Advisory Neighborhood Commission (ANC) 7C. You state that you were recently appointed by the ANC to a vacant seat in single member district (SMD) 01. You collected the required number of signatures on the petition to be appointed to the vacant seat, and the Board of Elections and Ethics (BOEE) subsequently sent your name to the ANC for appointment. You were the only person on the list, and the ANC voted at its last meeting to appoint you. You were sworn in by Councilmember Chavous and have full authority to act as an ANC Commissioner. However, the ANC resolution appointing you to SMD 01 has not yet been sent to the BOEE by ANC 7C. Although the BOEE recognizes you as a legitimate ANC Commissioner, it refuses to put your name on the list of ANC Commissioners until the resolution is filed. You would like to be on the BOEE list to provide a point of contact for your constituents.

Section 8(d)(6)(F) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.06(d)(6)(F), as amended, states:

After a vacancy has been filled pursuant to this subsection, the affected Advisory Neighborhood Commission shall transmit to the Board a resolution signed by 2 officers of the Advisory Neighborhood Commission that states the winner of the Advisory Neighborhood Commission single-member district election and requests that the Board declare the vacancy filled. The resolution shall also be sent to the following:

- (i) The Council;
- (ii) The Mayor; and
- (iii) The person appointed or elected by the Commission.

The ANC has a ministerial duty to transmit the resolution to the BOEE and to provide you with a copy. Unless ANC 7C's by-laws require otherwise, the resolution appointing you to SMD 01 may be transmitted to BOEE by any member of the ANC, provided it is signed by 2 officers.

You also state that you have requested a copy of the minutes of the last meeting and the resolution appointing you to SMD Oland that have been denied access to them by the Chair, who keeps the ANC file cabinet locked. Section 16 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.13(p) states:


Any Commissioner within an individual Commission shall have equal access to the Commission office and its records in order to carry out Commission duties and responsibilities.

Therefore, you are entitled, as an ANC Commissioner, to access to ANC files, including minutes and resolutions.

If you have any further questions with regard to these matters, please contact Annette Elseth, Assistant Corporation Counsel, Legal Counsel Division, at 724-5537, or me at 724-5493.

Sincerely,

ROBERT R. RIGSBY  
Corporation Counsel

  
RRYL

DGG/abe  
(AL-01-559)

cc: **Mary Gaffney**  
Chairperson  
ANC7C  
#201  
328 62<sup>nd</sup> Street, N.E.  
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