

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

April 23, 2018

Tischa Cockrell
Treasurer
ANC 4B
5521 Chillum Place NE
Washington, DC 20011

Re: Questions re Special Meeting to Declare an ANC Vacancy

Commissioner Cockrell:

Your ANC's Chairperson sent ANC 4B05 Commissioner Yolanda Hughes a letter alleging that she "do[es] not now and ha[s] not resided continuously within the boundaries of [her] single member district," and informing her that he has called a special meeting to "to declare the ANC 4B05 seat on the Commission vacant."¹ You asked us, on an expedited basis, two questions about this meeting.

First, you asked whether calling such a meeting is consistent with the ANC statute. It depends on what the Chairperson's letter meant by "declare the ANC 4B05 seat on the Commission vacant." When a Commissioner ceases to reside in his or her single-member district, the ANC does not have the power to declare the seat vacant on its own. But the ANC can, and must, petition the Board of Elections to declare the seat vacant.² Accordingly, if the purpose of this special meeting is simply to vote on whether the ANC should submit such a petition, based on the ANC's conclusions about whether Commissioner Hughes resides in her single-member district, the meeting is consistent with the ANC statute. If, however, the purpose of the meeting is to vote on whether the ANC itself should declare the seat vacant, the meeting is improper.

¹ Letter from Andre Carley, Chairperson, ANC 4B, to Comm'r Yolanda Hughes, Apr. 13, 2018 (attached); *see* D.C. Official Code § 1-309.06(e) ("Any member of an Advisory Neighborhood Commission who ceases to reside in the single-member district from which he or she is elected shall be considered to have resigned, and the office shall be declared vacant").

² As D.C. Official Code § 1-309.06(f)(2) states:


When a vacancy occurs in an Advisory Neighborhood Commission and no letter of resignation is submitted as required by paragraph (1) of this subsection, the respective Advisory Neighborhood Commission shall petition the Board, by a resolution signed by the Chairperson and the secretary of the Advisory Neighborhood Commission, to declare the vacancy. The resolution shall be considered by the Advisory Neighborhood Commission at a special Advisory Neighborhood Commission meeting called for the purpose of considering the vacancy.

Second, you asked whether Commissioners, including the Commissioner whose seat is at issue, must attend and participate in the meeting. Nothing in the ANC statute requires them to do so, so unless your ANC's Bylaws require them to attend and participate, each Commissioner has the freedom to decide whether he or she will do so.

If you have any questions, please contact Josh Turner, Assistant Attorney General, at 442-9834, or Janet M. Robins, Deputy Attorney General, Legal Counsel Division, at 724-5524.

Sincerely,

KARL A. RACINE
Attorney General for the District of Columbia

By: 
JOSHUA TURNER
Assistant Attorney General
Legal Counsel Division

(AL-18-211)



Advisory Neighborhood Commission 4B

6856 Eastern Avenue, NW - Suite 314

Washington, DC 20012

202-291-6282 (Office)

Andre Carley, ANC 4B01, Chair; Barbara Rogers, ANC 4B08, Vice Chair;

Tischa Cockrell, ANC 4B09, Treasurer; Natalee Snider, ANC 4B06, Secretary;

Tanya Topolewski, ANC 4B02; Scot Knickerbocker, ANC 4B03; Brenda Parks, ANC 4B04;

Yolanda Hughes, ANC 4B05; Judi Jones, ANC 4B07;

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 13, 2018

Ms. Yolanda Hughes, ANC 4B05
c/o Commissioner Tischa Cockrell, ANC 4B09
5521 Chillum Place N.E.
Washington, D.C. 20011

Dear Ms. Hughes:

Consistent with D.C. Official Code 1-309.(f)(2) and Article VI, Section 5 of the By-laws of Advisory Neighborhood Commission 4B, I am calling a special public meeting of the Commission to declare the ANC 4B05 seat on the Commission vacant. This action is prompted by your failure to respond to complaints of ANC 4B05 constituents that you do not now and have not resided continuously within the boundaries of your single member district, and that they do not have representation on the Commission.

This letter constitutes written notice to you as required by D.C. Official Code 1-309(f)(2) that this special public meeting will be held on Wednesday, May 16, 2018 in the community meeting room, MPD 4th District Headquarters, 6001 Georgia Avenue N.W. At that time, you will have full opportunity to rebut the claim that your seat has been vacated.

Please confirm receipt of this letter and your attendance at this special public meeting by sending an email to 4b@anc.dc.gov.

Sincerely,

Andre Carley, ANC 4B01

Chair

cc: Hon. Muriel Bowser, Mayor, District of Columbia
Hon. Anita Bonds, Councilmember At-Large/Chair, Committee on Housing and
Neighborhood Revitalization
Hon. Brandon Todd, Councilmember, Ward Four
Board of Elections
Commissioners, ANC 4B
Mr. Gottlieb Simon, Executive Director, Office of Advisory Neighborhood
Commissions