

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



March 9, 1994

IN REPLY REFER TO:

(L&O:LNG:lng)

94-082-L

Larry J. Thorpe, Jr.
Commissioner
Advisory Neighborhood Commission 2-C
1544 Marion Street, N.W. # 302
Washington, D.C. 20001

Re: How may ANC 2-C be compelled to hold an
annual election of officers?

Dear Mr. Thorpe:

This is in reply to your recent letter, postmarked February 22, 1994, to the Corporation Counsel concerning the election of officers for Advisory Neighborhood Commission (ANC) 2-C for the calendar year 1994.

You state in your letter that "[t]here has been no election for officers held in 1994 regarding ANC 2C." You further state that your efforts to persuade Alverta Munlyn, the current Chairperson of ANC 2-C, to conduct an election of new officers have been "to no avail." You ask this Office to "intervene in efforts for ANC 2C to conform to the election laws of the District of Columbia."

For the purposes of responding to your request, I shall assume that the facts are as you state.

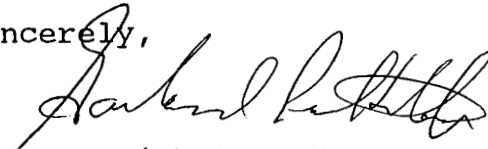
Section 14(e) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-262(e) (1992), provides in pertinent part that "[e]ach Commission shall elect from among its members at a public meeting of the Commission held in January of each year a Chairperson, vice-chairperson, secretary, and treasurer." The Chairperson and the other officers of an ANC who were elected the previous year continue to serve until their successors are elected.¹ Thus, the person who served as Chairperson of ANC 2-C during 1993

¹ See letter of advice, dated January 9, 1992, from this Office to Grace Bateman, then Chairperson of ANC 2-E, on the effect of a tie vote in the election of officers.

is required by law to convene a public meeting in January of 1994 at which the election of new officers takes place.

The Corporation Counsel does not have the authority to force an ANC to conduct annual elections for officers. If all efforts to persuade the Chairperson of ANC 2-C to conduct an election for new officers prove fruitless, you may have the requisite standing, as a private citizen residing within the boundaries of ANC 2-C, to seek judicial enforcement of that legal duty by filing a legal action in the Superior Court of the District of Columbia for declaratory and injunctive relief against the Chairperson of ANC 2-C. If the court were to issue an order directing the Chairperson of ANC 2-C to conduct an election of officers, and the Chairperson refused to comply with that order, then the Chairperson could be adjudicated to be in contempt of court. The court could then enforce its order by appropriate sanction.

Sincerely,



Garland Pinkston, Jr.
Deputy Corporation Counsel
Legal Counsel Division

cc: The Honorable Harold Brazil
Chairman, Committee on Government Operations
Council of the District of Columbia

The Honorable Jack Evans
Councilmember, Ward 2

Regena Thomas
Director, Office of Constituent Services

Alverta Munlyn
Chairperson, ANC 2-C