

# Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



January 14, 1994

IN REPLY REFER TO:

L&O:LNG:lng  
(94-023-L)

Stephen W. Coleman  
Commissioner, ANC 1-C  
1732 Euclid street, N.W.  
Washington, D.C. 20009

Re: May an ANC Commissioner be denied  
a key to the ANC's office?

Dear Commissioner Coleman:

This is in reply to your January 11, 1994 letter to Leo Gorman of this Office in which you request advice concerning whether the Chairman of Advisory Neighborhood Commission (ANC) 1-C may deny you a key to ANC 1-C's office.

In your letter you state:

I and another Commissioner refused to sign an unworkable commitment he [i.e., the Chairman] decided to require as a condition of receiving keys that we would promise never to be in the office without either another commissioner or the office manager present -- despite the fact that he routinely violates this same rule, which has the effect of making it more difficult for Commissioners who work during the day to gain legitimate access to the office.

Section 16(p) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-264(p) (1992), provides: "Any Commissioner within an individual Commission shall have equal access to the Commission office in order to carry out Commission duties and responsibilities." This language was added by § 3(f) of the Advisory Neighborhood Commission Amendment Act of 1990, effective March 6, 1991, D.C. Law 8-203. In the Committee Report on the bill that became D.C. Law 8-203, the following is stated in regard to this language:

The new subsection (p) of [ ]section 16 makes clear that all Commissioners are allowed to have equal access to Commission offices, in response to a number of com-

plaints received from Commissioners who have been denied the use of Commission offices.

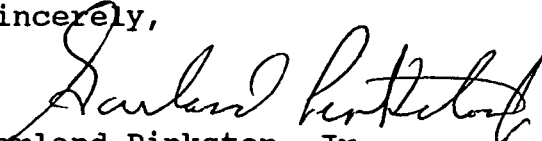
Report of Committee on Government Operations on Bill 8-626, the Advisory Neighborhood Commission Act of 1990, October 25, 1990, p. 7.

Since the purpose of the equal access requirement is to enable all ANC Commissioners "to carry out [their] Commission duties and responsibilities," we interpret the intent of the Council to be not only that all Commissioners of an ANC must be treated equally in terms of access to the ANC's office, but also that they must be given reasonable access to the ANC office. A policy that permits access only during weekday, daytime "office hours," or when another Commissioner or the office manager is present is unreasonable vis-a-vis a Commissioner who works during the day and thus whose ANC office work must be done at night or on weekends. Therefore, assuming the accuracy of your factual assertions, as quoted above, the access policy you describe violates § 16(p) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-264(p) (1992), because (1) all Commissioners are not being treated equally, and (2) the access policy is unreasonably restrictive.

This is not to say that an ANC may not establish and enforce reasonable rules and procedures to safeguard records and property in its office. For example, a sign-in/sign-out log may be instituted; each Commissioner should be accorded the right to secure his or her own personal files, records, and other property; and other ANC documents and records, such as the ANC checkbook, may be secured in a manner that allows access only to those persons authorized to handle them.

In sum, the law requires that all Commissioners of an ANC, including the chairperson, be treated equally in regard to access to the ANC's office, and be given reasonable access to the office in order that they may carry out their ANC duties and responsibilities. One way to satisfy these requirements is for each Commissioner to have a key to the office. And while there may be other ways to achieve compliance with the statute, the access policy you have described in your letter is not one of them.

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

Regena Thomas  
Director  
Office of Constituent Services

Otis H. Troupe  
District of Columbia Auditor

William Arrington  
Chairman, ANC 1-C