

## Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

DISTRICT BUILDING

WASHINGTON, D. C. 20004



IN REPLY REFER TO

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LCD 77-136

August 24, 1977

Mr. Norman Neverson  
Chairman  
Advisory Neighborhood Commission 4D  
847 Upshur Street, N.W.  
Washington, D.C. 20011

Dear Mr. Neverson:

By letter dated August 18, 1977, you requested the opinion of this office as to whether an Advisory Neighborhood Commission may, by vote of the Commissioners, remove one of its officers, specifically, the Chairperson.

After a careful review of the relevant sections of D.C. Law 1-58, the "Duties and Responsibilities of the Advisory Neighborhood Commissions Act of 1975", 22 D.C. Reg. 5454, (April 9, 1976) I see no provision which would permit the removal of an officer by vote of the Advisory Neighborhood Commission unless such a voting procedure was included in the rules governing the operation and internal structure of the Commission (see sec. 14(d) of D.C. Law 1-58). There is no such procedure in the rules of ANC 4D as filed pursuant to sec. 14(d)(2) of D.C. Law 1-58.

Therefore, sec. 14(e) of D.C. Law 1-58 would govern the term of office of the chairperson of ANC 4D. Section 14(e) provides, in pertinent part, that "(E)ach Commission shall elect from among its members a chairperson...in January of each year..."

In sum, I find that the Commissioners of ANC 4D have no authority to remove the Chairperson until, if they should so decide, the next election of officers in January, 1978.

Sincerely,

John R. Risher, Jr.  
Corporation Counsel, D.C.