

GOVERNMENT OF THE DISTRICT OF COLUMBIA

BYLAWS OF

ADVISORY NEIGHBORHOOD COMMISSION 5B

(Adopted as Amended on May 17, 2023)

ARTICLE I. NAME

Section 1. The name of this Commission is Advisory Neighborhood Commission 5B (“the Commission”). The geographic boundaries of Advisory Neighborhood Commission 5B are those described in D.C. Public Law 24-148.

ARTICLE II. RESPONSIBILITIES

Section 1. The Commission has the duties and powers described in D.C. Law 1-21, as amended (D.C. Code § 1-309 *et seq.*); and as otherwise authorized by law.

Section 2. The Commission’s authority is exercised by the Commission as a body, not by any single Commissioner. Any Commissioner may be involved in any matter under the purview of the ANC that is not reserved to one or more particular officers or ANC delegates.

Section 3. Annual Reports

3.1 Pursuant to D.C. Code § 1-309.10(n-1), by December 1 of each year, the Commission shall publish an annual report or newsletter that summarizes the activities of the Commission in service to the community over the preceding 12 months, including highlighting of key issues voted upon, comments submitted to District agencies, and issuance of community grants.

3.2 Such report may also include:

- a. Summaries of important problems perceived by the Commission;
- b. Recommendations for actions to be taken by the District government;
- c. Recommendations for improvements on the operation of Advisory Neighborhood Commissions;
- d. A financial report;
- e. A summary of Commission activities; or
- f. Any other matter the Commission may deem appropriate.

ARTICLE III. MEMBERS

Section 1. The Commission shall be composed of those persons duly elected and certified by the District of Columbia Board of Elections to Single Member Districts within the area of Advisory Neighborhood Commission 5B as described in D.C. Public Law 24-148.

Section 2. The members shall serve without compensation; however, appropriate expenses may be reimbursed upon authorization by the Commission as specified in Article VIII.

Section 3. In the event that an SMD seat becomes vacant due to a change in address of the sitting Commissioner after the window to call for a special election has closed, the ANC may appoint the Commissioner to serve as the SMD Delegate for that SMD until the end of the term through a majority vote of Commissioners in a public, properly-noticed meeting of the Commission at which a quorum is present. Such vote must be recorded in the minutes for that meeting. The SMD Delegate may continue to fulfill duties on behalf of the SMD, including but not limited to serving as the point of contact for constituents and making recommendations to the Commission. The SMD Delegate shall not be considered a Commissioner and, as such, may not introduce items to the agenda, vote, or count toward a quorum.

Section 4. Any individual Commissioner may communicate their views on any issue within the scope of their jurisdiction to any government entity. However, no Commissioner may represent their views to be those of the full body unless such communication has been approved by the Commission as a whole; the Commissioner is designated as the point of contact on that particular issue as established by a formal vote of the Commission; or the Commissioner's communication otherwise reflects the views of the Commission as adopted in a formal vote of the Commission.

Section 5. Except as provided in Article V of these Bylaws and in the Commission's Standing Rules, each Commissioner shall have at all times equal access to the resources of the Commission, including documents of the Commission and Commission supplies.

Section 6. No Commissioner shall substantially participate in a Commission matter that the Commissioner knows or should know is likely to have a direct and predictable effect on their financial interest or the interests of a person closely affiliated with the Commissioner. Commissioners shall notify the Chair and at least one other officer of potential conflicts of interest.

ARTICLE IV. OFFICERS

Section 1. The Commission shall elect, from its Commission members, a Chair, a Vice Chair, Secretary, Treasurer, and such other officers as may be necessary. A

member may hold more than one officer position, except no individual shall simultaneously serve as both Chair and Treasurer.

Section 2. Place of Meeting and Notice for the Election of Officers

1. The election of officers shall take place in January of each year on a day specified by the Commission, following the certification of a majority of the members of the Commission by the Board of Elections.
2. The Chair shall attempt to hold elections at times when all Commissioners can be available, giving consideration to deaths, natural disasters, and other exigent circumstances.
3. The Chair will give at least a seven (7) days notice to all Commissioners informing them of the election date, time, and place.

Section 3. A quorum for the election of officers shall be a majority of the duly elected Commissioners, provided that the elected members represent a majority of the SMDs within the Commission area.

Section 4. Nomination of Officers

1. Each candidate for office shall be nominated from the floor.
2. A candidate may nominate themselves but may not second the nomination.
3. A nomination speech of up to two (2) minutes may be made.
4. Each nomination must be seconded, but no seconding speech will be permitted.
5. After nominations are closed, each candidate may make a two (2) minute speech.

Section 5. Voting for Officers

1. Voting on each office shall occur before the floor is opened for nominations for another office.
2. A simple majority shall be required for the election of an officer. If there is not a simple majority after the first ballot, there shall be an election between the two candidates receiving the most votes. If, after a second round of voting, there continues to be a tie vote, a coin toss or drawing of lots shall be used to determine the winner.
3. Secret ballots are not allowed.

Section 6. Terms of Office for Officers

Officers' terms shall commence immediately upon being elected. An officer who continues to hold office as a Commissioner shall serve until January 31 of the following year, or until their successor for that officer position is elected, whichever comes first. In the event of a vacancy, the officer filling the vacant position shall only serve out the term of the officer they replaced.

Section 7. Vacancies

In case an officer position becomes vacant, a special meeting shall be called for the purpose of nominating and electing an officer to fill the vacancy.

Section 8. Removal of an Officer

An officer may be removed from office at any time by a majority vote of the elected Commissioners at a special meeting. The special meeting may be requested in writing by at least one-half of the elected Commissioners. The Chair shall schedule the special meeting to take place within thirty (30) days after the request is received by the Chair. If the Chair fails to schedule such meeting by noon (12pm) on the twenty-third (23rd) day after the request for a special meeting was transmitted, the Vice Chair or Secretary shall issue notice of the special meeting after noon (12pm) on the twenty-third (23rd) day in order to ensure a special meeting is scheduled within the thirty- (30-) day period and that a full seven (7) days' notice of the special meeting is given to the public. If the Chair is the subject of the removal effort, the Vice Chair shall act as the presiding officer at the special meeting.

ARTICLE V. DUTIES OF OFFICERS

Section 1. Chair

The Chair:

1. shall convene and preside over Commission meetings;
2. shall call special meetings of the Commission;
3. shall work with the Secretary to prepare the agenda for each public meeting, without barring any members of the Commission from adding items to the agenda;
4. may rule on procedural questions, which may be overturned by a majority of the Commission; and
5. shall ensure appropriate order, conduct, and decorum is maintained by Commissioners and attendees during all Commission meetings; and
6. perform such other duties as may be assigned to them by the Commission.

Section 2. Vice Chair

The Vice Chair:

1. shall in the absence of the Chair, act as the Chair, having all the powers and be subject to all the restrictions to which the Chair is ordinarily subject; and
2. shall be responsible for monitoring the Commission's Standing and Special Committees to ensure they abide by all Commission Bylaws, Standing Rules, and any authorizing resolution pursuant to which they were established; and
3. perform such other duties as may be assigned to them by the Commission.

Section 3. Secretary

The Secretary:

1. shall be responsible for posting meeting notices on the Commission's website, to an email list or listserv that the public can easily join for free, and in any other manner directed by the Commission;
2. shall be responsible for preparing and distributing to all Commission members the meeting minutes for all regular, special, and emergency Commission meetings within seventy-two (72) hours before the next regular monthly meeting;
3. shall maintain a repository of official documents and records of all official activities of the Commission;
4. shall ensure that the final, adopted Commission meeting agendas, minutes, and written recommendations to other government entities are electronically transmitted to the Office of ANCs; and
5. perform such other duties as may be assigned to them by the Commission.

Section 4. Treasurer

The Treasurer shall:

1. deposit all such funds in the name of the Commission in such banks, trust companies, or other depositories as shall be selected by resolution by the Commission;
2. keep and maintain adequate and correct accounts of the Commission's properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital, and surplus;
3. maintain participation in the ANC Security Fund or other acceptable surety bond;
4. exhibit the books of account and records to any Commissioner or any Commission area resident, upon request, during reasonable hours;
5. render a monthly statement of the finances of the Commission to the full Commission at least seventy-two (72) hours prior to each regular monthly meeting;
6. prepare a monthly financial report that includes balances for all accounts and present such report each month when the Commission holds a regular meeting;
7. prepare a Quarterly Financial Report (QFR), with all relevant supporting documents, and present it to the Commission for its consideration at a Commission meeting within 45 days after the end of the quarter.
8. submit approved, signed QFRs to the District government within fifteen (15) days of approval, or as otherwise required by law;
9. receive and give receipt for monies due and payable to the Commission from any source whatsoever;
10. prepare all employee payroll records and forms and submit payroll-related information to the proper federal and local authorities; and
11. in general, perform any other duties incident to the office of Treasurer not described herein, and such other duties as may be assigned to them by the Commission.

Section 5. Chair *Pro-Tempore*

In the event the Commission does not have a Chair or Vice Chair, or the Chair and Vice Chair are absent, a Chair *Pro Tempore* shall preside. Any currently-serving officers may be eligible to serve in this role. The order of officers listed in the bylaws shall serve as the order in which each officer may assume the role. An officer may decline to serve in the role, which shall result in the role being passed to the next eligible officer. If there are no officers, or no more officers willing to serve, the Commission shall randomly select a Commissioner through a drawing of lots to call a meeting to order and preside over the immediate election of a Chair *Pro Tempore*.

ARTICLE VI. MEETINGS

Section 1. General Provisions

1. Pursuant to the provisions of § 742(a) of the District of Columbia Self Government and Government Reorganization Act, and section 14(g) of the Advisory Neighborhood Commissions Act of 1975, all meetings of the Commission in which personnel or legal matters are not discussed shall be open to the public.
2. If a regular meeting is canceled due to a holiday, emergency, or for some other reason, the new meeting shall take place within twenty (20) days.
3. All meetings of the Commission shall be recorded or transcribed, and that recording or transcript shall be made available to the public within thirty (30) days or before the next public meeting, whichever occurs first.
4. The Commission shall maintain a record of attendance of its members in its meeting minutes, which shall be available for public inspection.

Section 2. Meeting Location

The Commission may hold meetings virtually as provided for under D.C. law, and it may also hold meetings in person at a location or locations to be decided upon by a majority vote of the Commission at a public, properly-noticed meeting.

Section 3. Meeting Notice

1. The Commission shall give notice of all meetings to each Commission member and to the public no fewer than seven (7) days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause.
2. Notice of the date, time, place, and purpose of all meetings shall be given to each Commissioner electronically.
3. Public notice shall be given using at least two (2) of the following methods:
 - a. Publication on the Commission's website;

- b. Emailing notice to an email list or neighborhood listserv that the public can easily join for free; or
- c. any other manner directed by the Commission.

The Secretary of the Commission shall be responsible for ensuring uniform notices of the meetings of the Commission in accordance with this Section.

Section 4. Quorum and Official Action

1. A quorum is a majority of duly elected Commission members, provided the elected members constitute a majority of SMDs.
2. No official action may be taken by the Commission unless a quorum is present and a majority of those voting approve the action.

Section 5. Regular Meetings

The Commission shall generally meet at regular intervals, not fewer than nine (9) times a year, to consider matters before the Commission which may include consideration of actions or proposed actions of the Council of the District of Columbia, the Executive Branch, or any independent agency, board, or commission and recommendations thereof.

Section 6. Special or Emergency Meetings

Special or emergency meetings of the Commission may be called by the Chair or by a majority of Commissioners on the Commission. The purpose of the meeting shall be stated in the notice and no other topic may be discussed at that meeting.

Section 7. Joint Meetings

1. The Commission may hold joint meetings with other Advisory Neighborhood Commissions to deal more effectively with or respond to concerns and issues that affect both Commission areas.
2. Joint meetings may be held only after the Commission votes by a majority to participate in such Joint Meeting.

Section 8. Regular Meeting Agenda

1. The Chair, working in concert with the Secretary, shall prepare a draft agenda for each regular meeting consisting of all items required by law, the bylaws, and the Commission's standing rules, as well as all items submitted by any Commissioner ten (10) days prior to the meeting.
2. Any Commissioner may add an item to the agenda.
3. Any item added to the draft agenda fewer than ten (10) days prior to a regular meeting must be voted on by the full body at the meeting in order to be formally added to the agenda and acted upon by the Commission.

4. All regular meetings shall include time to hear the views of residents within the Commission area. In the interests of keeping meetings to a reasonable length, the Commission may limit the amount of time each resident may speak during the public comment period.
5. The Commission shall publish this draft agenda at least seven (7) days prior to the meeting and transmit the agenda to the Office of Advisory Neighborhood Commissions (OANC).

Section 9. Voting

1. Each Commissioner shall have one vote.
2. Commission actions, except for amending these Bylaws, shall be approved by a simple majority of those Commission members present and voting.
3. In the case of a tie vote, the motion for Commission action shall fail.
4. A Commissioner may not vote by proxy.

Section 10. Proposals, Resolutions, and Letters on Behalf of the ANC

1. Any document that the Commission will be voting on shall be completed and submitted electronically to the full Commission at least seventy-two (72) hours prior to the public meeting when it will be on the agenda. Any Commissioner may raise a Point of Order at the meeting requesting proof that such document was provided to the full Commission at least seventy-two (72) hours in advance.
2. The seventy-two (72) hour advance notice requirement may be waived at the meeting by simple majority vote of the Commissioners present and voting.

ARTICLE VII. COMMITTEES

Section 1. Committees

1. The Commission may establish Standing or Special Committees by a simple majority vote of Commissioners present and voting at a public, properly-noticed meeting at which a quorum is present.
2. Standing and Special Committees may be established for the purpose of analyzing the needs of the community, proposing ANC actions, carrying out policies or programs of the Commission, or for any other purpose as directed by the Commission. The scope of a Committee must be documented in writing at the time of the vote establishing the Committee.
3. Standing and Special Committees are advisory bodies and may make recommendations to the Commission, which the Commission is not bound to follow;
4. Standing Committees shall be permanent. A Standing Committee may be dissolved by a simple majority vote of Commissioners present and voting at a public, properly-noticed meeting at which quorum is present. A Standing Committee may also be deemed dissolved if it is not reauthorized at the first regular meeting of a new Commission term.

5. Special Committees shall be temporary. The Commission shall describe in the resolution or vote establishing the Committee what its mission is and when its mission shall be considered fulfilled. A Special Committee is deemed dissolved once the Special Committee's duties have been fulfilled, or at the end of a Commission body's two-year term. A Special Committee may also be dissolved by a simple majority vote of Commissioners present and voting at a public, properly-noticed meeting at which quorum is present.

Section 2. Membership

1. Committee membership shall be open to any resident of the Commission area, including any Commissioner. The Commission shall seek community participation on committees through public announcements.
2. Committee members shall be appointed and removed by a simple majority vote of the Commission, and may be appointed or removed at any time by the Commission.
3. In accordance with District law, the position of Committee Chair shall be open to any resident of the Commission area. Each Committee Chair shall be appointed and removed by a simple majority vote of the Commission. Each Committee Chair shall serve until the date at which new Commission officers are elected, or until removed, or until their successor is elected. Committees may select other officers as needed.

Section 3. Committee Meeting Notice

All Committee meetings shall be announced on the Commission website (or other means dictated by the Commission) at least one week (seven calendar days) in advance, except in case of an emergency or for other good cause as determined by the Committee Chair, when shorter notice may be provided.

ARTICLE VIII. FINANCIAL ADMINISTRATION

Section 1. Budget

The Commission shall prepare an annual budget and present it to the public for input at a public, properly-noticed meeting within 60 days of notification of the amount of the Commission's annual allotment. After presenting the budget to the public for input at a public meeting, the Commission shall hold a separate public meeting on a different date to vote on the budget.

Section 2. Expenditures

No monies shall be obligated without prior authorization by the Commission by a simple majority vote at a public, properly-noticed meeting of the Commission at which a quorum is present.

Section 3. Commissioners may not request reimbursement or advance payment to pay for any staff or individuals to perform work on behalf of the individual Commissioner. Commissioners shall not pay themselves for any work. The Commission may pay for staff or individuals to perform work on behalf of the full Commission if approved by a simple majority vote of the Commission.

Section 4. Budgetary reimbursements cannot be made for any other expenses prohibited by District law.

Section 5. The Commission reserves the right to deny a reimbursement request that does not adhere to the Bylaws or Standing Rules, or that is prohibited by law. In determining whether a reimbursement request is prohibited by law, the Commission may, as in other matters, rely on the advice of the Office of the Attorney General or the Board of Ethics and Government Accountability.

Section 6. The Treasurer shall be authorized to pay any bills or other obligations that were explicitly approved by the Commission, unless instructed otherwise by a majority vote of the Commission or prohibited by law. In determining whether any bill or obligation is prohibited by law, the Commission may, as in other matters, rely on the advice of the Office of the Attorney General or the Board of Ethics and Government Accountability.

Section 7. The Commission will secure a bank and establish a checking account in the name of Advisory Neighborhood Commission 5B. In addition, a savings account may be established to save funds not immediately needed for the Commission's operations.

Section 8. Checks

1. All checks must bear the name of the Commission on the face and be prenumbered by the bank.
2. A commercial type checkbook shall be used, which has space for entering each check and a brief explanation of the nature of the disbursement.
3. All checks shall be signed by two officers, one of whom shall be either the Treasurer or the Chairperson.
4. All checks will be issued by the Treasurer in consecutive order.
5. All financial documents will be retained for a period of seven (7) years.
6. The Commission's checkbook shall be retained by the Treasurer.

Section 9. Debit Card

1. The Commission must approve, by majority vote, to allow the use of a debit card.
2. The Commission may only obtain a debit card in the name of the Commission, not in the name of an individual Commissioner.
3. The Chairperson and Treasurer are the only officers authorized to use a debit card on behalf of the Commission.

4. The debit card shall be retained by the Treasurer, unless otherwise instructed by the Commission as decided by a majority vote.

ARTICLE IX. STANDING RULES

Section 1. The Commission may adopt rules to implement the requirements of these Bylaws and to enhance the efficiency and operation of the Commission. The rules may be adopted or amended by a majority vote of the Commissioners.

ARTICLE X. PARLIAMENTARY AUTHORITY

Section 1. Roberts' Rules of Order, Newly Revised, shall govern the Commission in all cases in which such Rules are not inconsistent with these Bylaws, any Standing Rules the Commission may adopt, or any federal or District law.

ARTICLE XI. MISCELLANY

Section 1. The Commission may not solicit or accept funds for a federal or District Government agency or private source except as may be specifically or previously authorized by the Council of the District of Columbia, provided that receipt of contributions of \$1,000.00 or less from a single contributor need not be approved by the Council of the District of Columbia.

Section 2. Any Commission member in their private capacity may institute a legal action in the courts of the District of Columbia or in the federal courts, but the Commission itself shall have no such power.

Section 3. The Commission shall have no authority to incorporate. However, no member of the Commission may be liable for action taken as an elected representative from a Single Member District.

Section 4. Employees of the Commission shall be hired by the Commission and shall serve at the pleasure of the Commission.

Section 5. The Commission shall establish position descriptions for its employees. The employees of the Commission may be hired on a full-time or a part-time basis and for an indefinite or for a definite term. Persons hired by the Commission shall meet the qualifications established in the job description.

Section 6. All District of Columbia Commission-issued equipment, including cell phones, is the property of the District of Columbia Government and shall only be provided to Commission members for their use in conducting official ANC business.

Section 7. Upon the end of a Commissioner's service, or at the request of a majority of the Commission, all District of Columbia Government-issued property shall be returned to the Chair or Vice Chair within seven (7) days.

ARTICLE XII. AMENDMENT OF BYLAWS

Section 1. The Commission shall file updated bylaws with the Council of the District of Columbia and the Office of the Advisory Neighborhood Commission within seven (7) days of their adoption.

Section 2. Revision of these Bylaws requires a two-thirds (2/3) vote of all duly elected Commissioners, provided that the elected members constitute a majority of the SMDs within the Commission area, and provided also that the notice of such meeting was provided to each Commission member at least two (2) weeks prior and stated the substance of the amendment or amendments recommended for change.

Section 3. These Bylaws shall be consistent with all applicable federal and District law. Any inconsistencies are null and void. These Bylaws supersede all previously issued ANC 5B Bylaws.

Section 4. In the event that amendments to D.C. law or judicial rulings render any section or subsections of these Bylaws inapplicable, the remainder of these Bylaws are still in effect.

Section 5. These Bylaws shall be made available to the public.