



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 5D**

Advisory Neighborhood Commission 5D
371 Morse St. NE
Washington, DC 20002

Tuesday, December 14, 2022

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004


Dear Council of the District of Columbia:

Advisory Neighborhood Commission 5D votes in support of the following Amendments to the ANC 5D Bylaws given that proper notice has been given to each Commission member consistent with the requirements set forth in ANC 5D Bylaw § 11.01. Our commission approves the following amendments:

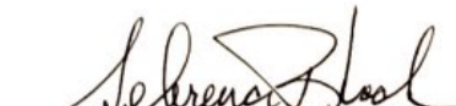
1. **Section 3.05:** Censure and Removal
 - Amendment C: Disorderly conduct is done in a public area or space, and creates a threat or disturbance to other people in that area or space that the commission is occupying for the public.
2. **Section 3.08:** Administrative Duties and Responsibilities
 - Amendment: An officer of the commission may be the only member of the commission to hold a record of administrative information in reference to correspondence management, facility occupation, digital media marketing, bookkeeping and security maintenance. This includes holding keys, passwords and access to any and all platforms used to support and manage the commission for the public.

This letter presented by Commissioner Salvador Saucedo-Guzman came before ANC 5D at a duly noticed public meeting on December 13, 2022. ANC 5D is composed of 6 Commissioners such that 4 Commissioners constitute a quorum. With 5 Commissioners present, ANC5D voted 5 (Yea) 0 (Nay) 0 (Abstain).

Respectfully,


Chairperson, ANC 5D


Vice-Chairperson, ANC 5D


Secretary, ANC 5D

CC: The Office of the Advisory Neighborhood Commissioner
1350 Pennsylvania Ave NW #8
Washington, D.C. 20004



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BY-LAWS FOR ADVISORY NEIGHBORHOOD COMMISSION 5D

ARTICLE I: NAME, PURPOSE, AND OFFICES

Section 1.01 Name

The name of this organization is Advisory Neighborhood Commission 5D (hereinafter referred to as “Commission 5D”).

Section 1.02 Authority

The management and conduct of the business and affairs of Commission 5D will be in accordance with these Bylaws and the laws and regulations of the District of Columbia. The Commission as a body will possess and may exercise all the powers and authority granted to Advisory Neighborhood Commissions by law.

Section 1.03 Purpose

Commission 5D will (1) advise the council of the District of Columbia, the Mayor and each executive agency and all independent agencies, boards and commissions of the government of the District of Columbia on all proposed matters of District government policy including, but not limited to, decisions regarding planning, zoning, streets, recreation, social services programs, education, health, safety, and sanitation that affect the Commission 5D area; and (2) receive, monitor and respond to questions and complaints from the residents of the Commission 5D area about matters of public safety, the provision of government services, and other community concerns.

Section 1.04 Offices

The principal office of Commission 5D shall be at such place within the Commission 5D area as Commission 5D may from time to time designate. That is currently designated as 371 Morse St. NE in the resolution **“ESTABLISHING ANC 5D OFFICE AND RECORD REPOSITORY,”** which was approved by the Commission on February 11, 2020.

Section 1.05 Commission Records

Commission 5D shall keep:

- A. original records of the proceedings of its meetings;
- B. original Bylaws including all amendments thereof to date, certified by the Secretary;
- C. appropriate, correct and complete books and records of account; and
- D. all correspondence dealing with Commission 5D business.

Section 1.06 Voting Majority

Unless otherwise stated in our Bylaws or under DC law, A voting majority shall consist of those commissioners who are present and voting given that a majority of the commissioners present cast a vote.

Abstentions do not count as votes cast. All commissioners present shall be counted for the purposes of establishing a quorum.

Section 1.07 Virtual Meetings

The following rules regarding virtual meetings in this section are only applicable during virtual meetings when allowed by DC law. Unless otherwise stated in our Bylaws or under DC law, all members of the commission must appear on camera (when video is allowed by the teleconferencing platform in use) during voting actions in order for their vote to count toward the final recorded tally in the meeting minutes.



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ARTICLE II: MEMBERS

Section 2.01 Membership

Members of Commission 5D will be those Commissioners duly elected, as determined by the District of Columbia Board of Elections from the single-member districts established in the Commission 5D area. Such Commissioners as a body will constitute Commission 5D.

Section 2.02 Vacancies

A vacancy existing by reasons of the resignation, death, incapacity, ineligibility or removal of a Commissioner before the expiration of his or her term of office will be filled as prescribed by law.

Section 2.03 Censure and Removal

A commissioner may be censured or removed for cause by a majority vote of the Commission provided that the commissioner shall have been presented with a written notice from the Chairperson or Secretary at least 30 days in advance of the public meeting when the vote is scheduled to take place. The Commission must publish notice of a censure or removal including the cause in the Commission's public meeting notice at least 7 days prior to the public meeting when the vote is scheduled.

"Cause" is strictly defined as a commissioner being:

- (A) Convicted of a misdemeanor or felony criminal offense while serving in office;
- (B) Failing to attend 6 or more consecutive meetings or any 6 of the previous 10 public meetings without prior written notice or due cause having been submitted to the Chairperson or Secretary.

Section 2.04 Compensation

Commissioners will not receive any compensation from Commission 5D for their services, but may receive reasonable reimbursement for expenses incurred on behalf of Commission 5D. These expenditures must be approved by a majority vote of the Commission in a public meeting of Commission 5D and recorded in the minutes for that meeting. In addition, proper documentation of supporting receipts and/or vouchers for all purchases or services must be submitted to the Treasurer before reimbursement can be provided.

ARTICLE III: OFFICERS

Section 3.01 Officers

The officers of Commission 5D will be Chairperson, Vice-Chairperson, Secretary, Treasurer. The commission may also vote to designate a Parliamentarian, Sergeant at Arms and such other officers as Commission 5D may deem necessary. The officers will be chosen from among the Commissioners of the single-member districts of Commission 5D. Any two offices may be held by the same person, except the offices of Chairperson and Secretary.

Section 3.02 Nomination and Election of Officers and Managing Ties

Officers will be elected during an open ballot process by a majority vote of the Commission in accordance with DC law during the month of January. Nominations for officers may be made only by Commissioners. Self-nomination shall be permitted. New offices may be created and filled at any Commission 5D meeting by a majority vote of the Commission. Commission officers are required to meet the highest ethical and professional standards. Commissioners



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who have been convicted by law or sanctioned by a professional licensing association (e.g. the DC Bar Association) for fraud, theft or similar breach of trust offenses are strictly prohibited from serving as officers of the Commission. Similarly, commissioners who have been found guilty of ethical violations by the District government (e.g. campaign finance violations, Board of Ethics or Government Accountability violations) are also prohibited from serving as an officer of the Commission.

Any ties shall be broken by a game of “Rock, Paper, Scissors” governed by the following rules: The moderator counts down from three (3) and each competitor reveals their choice. Rock breaks scissors, scissors cuts paper, paper covers rock. In other words, a player who chooses rock beats one who chooses scissors; scissors in turn beats paper; paper beats rock. If the players do not choose differently during the game, another round should be played until a winner is determined.

Section 3.03 Term of Office

The term for each office shall begin in January and continue for one year. After the expiration of the term for which he or she is elected, an officer will continue to hold office until his or her successor is elected, unless he or she resigns or is removed before such subsequent election.

Section 3.04 Resignation

A commissioner or officer may resign at any time by giving written notice to the Chairperson, unless such officer is the Chairperson, in which case, he or she will give written notice to the Vice-Chairperson and Secretary. A resignation will take effect at the time received unless another time is specified in such notice. The acceptance of a resignation shall not be necessary to make it effective.

Section 3.05 Censure and Removal

An officer of the commission may be censured or removed for cause by a 2/3 vote of the Commission provided that the officer shall have been presented with a written notice from the Chairperson or Secretary at least 14 days in advance of the public meeting when the vote is scheduled to take place. The commissioner must be given a reasonable opportunity to be heard at that public meeting prior to the vote. The Commission must publish the notice of a censure or removal in the Commission’s public meeting notice in accordance with D.C. law at least 7 days prior to the public meeting when the vote is scheduled.

“Cause” is strictly defined as a commissioner being:

- (A) Convicted of a misdemeanor or felony criminal offense while serving in office;
- (B) Failing to attend more than 4 consecutive meetings or any 6 of the previous 10 public meetings without proper notice or cause having been submitted to the Chairperson and/or Secretary unless such officer is the Chairperson, in which case, he or she will give written notice to the Vice-Chairperson and/or Secretary.
- (C) Disorderly conduct is done in a public area or space, and creates a threat or disturbance to other people in that area or space that the commission is occupying for the public.

Section 3.06 Vacancies

The vacancy of a single-member district seat by reason of the resignation, death, incapacity, ineligibility, or removal may be filled by a special election in accordance with DC law. If such an election cannot be conducted, the Commission must exhaust all protocols outlined in DC law to fill the vacancy for the remainder of the regular term.



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The vacancy of an officer position by reason of resignation, death, incapacity, ineligibility, or removal may be filled by election of a successor by a majority vote of the Commission. An officer so elected shall serve until the completion of the regular term of the office which he or she filled.

The responsibilities designated to the Chairperson shall immediately transfer to the Vice-Chairperson in the event of the resignation, death, incapacity, ineligibility, or removal of the Chairperson until the completion of the regular term.

The responsibilities designated to the Treasurer shall immediately transfer to the Secretary in the event of the resignation, death, incapacity, ineligibility, or removal of the Treasurer until the completion of the regular term.

Section 3.07 Compensation

Officers shall not receive any compensation for their services as officers, but may receive reasonable reimbursement for expenses incurred on behalf of Commission 5D. These expenditures must be approved by a majority vote of the Commission in a public meeting of Commission 5D either as individual expenses or as part of the annual budget and recorded in the minutes for that meeting. In addition, proper documentation of supporting receipts and/or vouchers for all purchases or services must be submitted to the Treasurer before reimbursement can be provided.

Section 3.08 Administrative Duties and Responsibilities

An officer of the commission may be the only member of the commission to hold a record of administrative information in reference to correspondence management, facility occupation, digital media marketing, bookkeeping and security maintenance. This includes holding keys, passwords and access to any and all platforms used to support and manage the commission for the public.

ARTICLE IV: DUTIES OF OFFICERS

Section 4.01 Chairperson

The Chairperson shall be the chief executive and, in general, shall be responsible for the affairs of Commission 5D and for the performance of its other officers and employees.

1. The Chairperson may sign and execute, with the Secretary, in the name of Commission 5D, contracts, bonds, and other instruments authorized by the Commission, except in cases where the signing and execution thereof shall be expressly delegated by Commission 5D or by these Bylaw to some other officer or agency of Commission 5D.
2. The Chairperson shall perform all duties incident to the office of chief executive and such other duties as from time to time may be assigned to them by Commission 5D.
3. The Chairperson has the responsibility of convening all meetings of Commission 5D in accordance with the dates, times and places approved and adopted by the Commission and shall preside at such meetings, unless some other officer is so designated.

Section 4.02 Vice-Chairperson

The Vice-Chairperson shall be subject to the direction of the Chairperson.

1. The Vice-Chairperson, in the absence of the Chairperson, shall preside at meetings of Commission 5D.



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2. The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is absent or indisposed, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson.
3. The Vice-Chairperson shall perform such other duties as from time to time may be assigned to them by the Chairperson or the Commission.

Section 4.03 Secretary

The Secretary shall perform the following functions:

1. Certify and keep the original copy of its Bylaws as amended to date;
2. Prepare and keep the minutes of all proceedings of Commission 5D;
3. See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law;
4. Be custodian of the records;
5. Perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to them by the Chairperson or the Commission.

Section 4.04 Treasurer

The Treasurer shall perform the following functions:

1. Have charge and custody of, and be responsible for, all funds of Commission 5D and shall deposit all such funds in the name of Commission 5D in such banks, trust companies, or other depositories as shall be selected by resolution by Commission 5D;
2. Complete all statutorily mandated financial reports in a consistent and timely fashion;
3. Keep and maintain adequate and correct accounts of Commission 5D's funds, properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains, losses, capital and surplus;
4. Exhibit the books of account and records to any Commissioner or any Commission 5D area resident, upon request, during reasonable hours. This requirement can be satisfied via online porting on the ANC 5D website;
5. Render upon request, a monthly statement of the condition of the finances of Commission 5D at such meetings of Commission 5D as the Chairperson may direct, and prepare and submit, upon approval by Commission 5D, full quarterly and annual financial reports to the District government as required by law;
6. Prepare a suggested annual budget for Commission 5D's consideration at the beginning of the financial year;
5. Receive and give receipt for monies due and payable to Commission 5D from any source whatsoever;
6. Review all vouchers presented to them for disbursement of Commission 5D funds, in accordance with the guidelines of the Office of the Auditor;
7. Prepare all employee payroll records and forms and submit payroll related information to the proper federal and local authorities; and
8. Perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned to them by the Chairperson or by Commission 5D.

ARTICLE V: MEETINGS OF THE COMMISSION 5D

Section 5.01 Place of Meetings

The meeting place or places of Commission 5D shall be chosen by majority vote of Commission 5D.



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Section 5.02 Regular Meetings and Agenda

In January of each year, Commission 5D shall establish a schedule of regular meetings, but in no event shall Commission 5D meet less than nine (9) times within a calendar year or on fewer occasions than required by law. The Commission shall adopt an agenda at the beginning of each meeting.

Section 5.03 Town Hall Meetings

Commission 5D may, as necessary, call a meeting to hear the views of residents on a particular subject. Residents' views shall be received orally or in writing and fully considered, and where appropriate, such views shall be incorporated in positions taken by the Commission.

Section 5.04 Special Meetings

Special meetings or emergency meetings of Commission 5D may be called by any officer or any three (3) members of the Commission. Special meetings must meet all of the statutorily required criteria for notice and agenda items. The commission may only take action on items advertised at least 7 days in advance in the notice for the special or emergency meeting.

Section 5.05 Committee of the Whole Sessions

Committee of the Whole Sessions may be called by the Chairperson or Vice-Chairperson or any four (4) members of the Commission. Notice of an executive working session shall be given no fewer than seven (7) days before each executive working session, except where (a) notice is given at a regular or town hall meeting of Commission 5D, (b) shorter notice for good cause is necessary and included in the meeting notice, or (c) in the case of an emergency.

Section 5.06 Special Joint Meetings

Commission 5D may hold joint meetings with other Advisory Neighborhood Commissions only after approved by a majority vote.

Section 5.07 Notice of Meetings

Commission 5D shall give notice of all meetings to each Commission member and to residents in ANC 5D no less than seven (7) days prior to the date of such meeting. A shorter notice may be given in the case of an emergency or for other good cause which shall be included in the meeting notice.

Notice of the date, time, place, and purpose of all meetings shall be sent to each Commissioner via their official "anc.dc.gov" email address.

Notice to residents of ANC 5D of all meetings shall be given as required by law.

The Chairperson of Commission 5D shall be responsible for ensuring uniform notices of the meetings of Commission 5D in accordance with this Section, and for distributing them in a manner designated by Commission 5D.

Section 5.08 Contents of the Minutes

The minutes of every public meeting of Advisory Neighborhood Commission 5D shall be recorded with the following information.

1. Type of meeting (regular, special etc), full name of the commission, date, time and place of the meeting, names of commissioners in attendance, approval of minutes from prior meetings.



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2. All motions, the disposition of the motion and the count of the vote, with the names of those in dissent, abstaining or absent being noted.

ARTICLE VI: COMMITTEES

Section 6.01 Committees

Committees may be established by a resolution adopted by a majority vote of the Commission, in order to analyze the needs of the community, to propose ANC actions, and to carry out policies or programs of Commission 5D. The subject matter, number of members and member criteria of a committee shall be included in the resolution establishing a committee.

Section 6.02 Types of Committees

There shall be two categories of committees, standing committees and special committees. Standing committees are those created permanently by majority vote of the Commission. Special committees are those created temporarily by the Commission or the Executive Committee.

Section 6.03 Membership

Each committee shall have at least one Commissioner member and may have additional local citizens appointed by the Commission 5D. Unless otherwise stated in the resolution the Commission shall appoint the chairperson. Membership shall be open to any resident of Commission 5D area. Community participation on the committees shall be actively sought by Commission 5D through public announcements.

Section 6.04 Recommendations

Committee recommendations for Commission action shall be placed on the agenda for the first ANC meeting after they are adopted, if requested by the Committee. 3 of 3 Section 5. All Committee meetings shall be announced on the ANC website at least 24 hours in advance except in case of an emergency or for other good cause.

ARTICLE VII: EMPLOYEES

Section 7.01 Personnel

Commission 5D may employ personnel by a majority vote of the Commission during a public meeting. Personnel must be selected by name during the meeting. All positions must have an agreed upon description approved by the majority of the Commission. Personnel shall be supervised by the Chairperson. The officers of the Commission shall be responsible for coordinating day-to-day personnel activities.

Section 7.02 Hiring and Firing

An employee may be terminated only by a majority vote of the Commission. Commission 5D shall be an equal opportunity employer.

ARTICLE VIII: FINANCIAL ADMINISTRATION

Section 8.01 Fiscal Year

The fiscal year of Commission 5D shall begin on October 1st and end on September 30 of each year.



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Section 8.02 Contracts

Commission 5D may, by resolution, authorize the Chairperson, or in the absence of the Chairperson the Vice-Chairperson, to enter into any contract or execute and deliver any instrument in the name of and on behalf of Commission 5D.

Section 8.03 Checks, Drafts, etc.

All checks, orders for the payment of money, bills of lading, bills of exchange and insurance certificates shall be signed or endorsed by two (2) officers of the commission with one of those officers being Chairperson or the Treasurer, unless that officer is also the payee, recipient or beneficiary.

Section 8.04 Deposits and Accounts

All funds of Commission 5D, shall be deposited in general or special accounts in such banks or other financial institutions as Commission 5D may designate by majority vote of the Commission during a public meeting.

Section 8.05 Bonding of the Treasurer

Commission 5D will secure bonds for the faithful discharge of the duties of the Treasurer of Commission 5D, as may be required by law.

Section 8.06 Grant Guidelines

Commissioners shall adhere to the rules and regulations stipulated in the ANC 5D Grant Guidelines except when a federal or local state of emergency or natural disaster has been declared by the proper federal and/or local authorities. In the case of such emergencies, the Commission may grant funds not to exceed \$2,500 to a single entity by a two-thirds ($\frac{2}{3}$) vote of the Commission. All grants shall be made in accordance with the law.

Section 8.07 Reimbursements and Payments

All reimbursements shall be approved by a majority vote of the Commission. Guidelines for the approval of reimbursements may be set by a majority vote of the Commission. The Commission may pay for staff or individuals to perform work on behalf of the Commission if approved by a majority vote of the Commission. All checks shall have two (2) signatures with one (1) of those signatures being the Chairperson or Treasurer.

The Commission reserves the right to deny reimbursement requests that do not follow any of the policies outlined in this document, as agreed upon by resolution of the Commission or that is prohibited by law, written advice of the Office of the Attorney General, or the Board of Ethics and Government Accountability.

The Treasurer shall be authorized to pay any bills or previously agreed payments unless instructed otherwise by a majority vote of the Commission.

ARTICLE IX. STANDING RULES

Section 9.01 Adoption of Standing Rules

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 majority vote at any Commission meeting.



BY-LAWS FOR ADVISORY NEIGHBORHOOD COMMISSION 5D

ARTICLE X. PARLIAMENTARY AUTHORITY

Section 10.01 Roberts' Rules of Order

Where District law and the Bylaws of this commission are insufficient to address the needs of the Commission, Roberts' Rules of Order shall govern the work of the Commission.

ARTICLE X. AMENDMENT OF BYLAWS

Section 11.01 Amendments

Each Commission member shall have at least fourteen (14) days prior notice of any proposed amendment(s) to the Bylaws. The written notice shall include the suggested change(s). Amendments of these Bylaws may be proposed at any meeting of Commission 5D. The Bylaws may be amended by Commission 5D by a vote of two-thirds ($\frac{2}{3}$) of the Commission. An up-to-date copy of these Bylaws and all amendments thereto shall be posted on the Commission's website and filed with the Council of the District of Columbia within ten (10) days of their adoption.

Section 11.02 Severability Clause

In the event that amendments to DC law or judicial rulings render any section or subsections of these Bylaws inapplicable, the remainders of these Bylaws are still in effect.

These Bylaws were presented by Commissioner Saucedo-Guzman came before ANC 5D at a duly noticed public meeting on December 13, 2021. ANC 5D is composed of 6 Commissioners such that 4 Commissioners constitute a quorum. With [5] Commissioners present, ANC5D voted [5] (Yea) [0] (Nay) [0] (Abstain).