

2025-2026

**ADVISORY
NEIGHBORHOOD
COMMISSIONER
HANDBOOK**



*Prepared by the
Office of Advisory Neighborhood Commissions
Government of the District of Columbia
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Preface

The 2025-2026 version of the Advisory Neighborhood Commissioner Handbook owes its basic organization and much of its content to a team led by Anita Bonds, then General Assistant to the Mayor, in 1988 (and currently a District of Columbia At-Large Councilmember). The 1989 manual was written and edited by Jim Zais. Since that time, the manual has been revised many times and has benefited from the advice and contributions of many people.

The current manual, or handbook, has been updated by the Office of Advisory Neighborhood Commissions (“OANC”) to reflect changes in the ANC law resulting from passage of the "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000" and any subsequent amendments, “The Advisory Neighborhood Commissions Omnibus Amendment Act of 2016” and other recent related legislation, along with our accumulating experiences with ANCs. (The statutory provisions governing Advisory Neighborhood Commissions are contained in D.C. Official Code § 1-309.01 *et seq.*, also referred to as the “ANC Act”.)

As always, suggestions for correcting or improving the handbook are welcome. ***And if you have questions about any of the information in this handbook, please contact Kent Boese, Executive Director, OANC, 1350 Pennsylvania Avenue NW, Washington, DC 20004; (202) 727-9945.***

I. ANCs: THE BASICS

Historical Background

During the 1970's, much of the discussion of neighborhood decentralization and empowerment which dominated urban policy during the 1960's was realized through a number of significant innovations in local government structure and process. Neighborhood-based comprehensive planning became a widely accepted norm in city planning departments throughout the country.

Under federal mandates, neighborhood-oriented citizen participation was sought in the planning and implementation of community development and social service programs. Serious efforts were made to mobilize citizen volunteers in a variety of programs such as housing rehabilitation, crime-fighting, and refuse collection.

Perhaps the most significant innovation in urban governance was the formation of official neighborhood councils or commissions during the 1970's. These councils or commissions were usually established by city charter or ordinance as permanent, official components of urban government to provide community-based input to urban policy making. In the District of Columbia, a pioneering outlet for citizen participation came into being in 1976 under section 738 of the Home Rule Act. This outlet is called the Advisory Neighborhood Commissions (“ANCs”) a version of which has few counterparts in other cities, providing for elections of the respective Advisory Neighborhood Commissioners who comprise these ANCs by the local residents they serve.

ANCs are advisory boards composed of residents elected from the District's neighborhoods. The Commissions are independent bodies that advise the government on policy issues affecting their neighborhoods. There are now forty-six (46)¹ such commissions in the District, each divided into sub-areas called Single Member Districts (SMDs) with about 2000 residents each. At present, there are 345 SMDs.

¹ During the 2022 ANC redistricting, the number of ANCs was increased from 40 to 46 with the creation of ANCs 1E, 2G, 3A, 4E, 5F, and 8F. As a result of the District's population growth over the prior decade, the number of SMDs increased from 296 to 345.

The District's 46 ANCs are distributed among the eight wards in the city, although they are not distributed equally. Ward 1 now has five ANCs though for many years it held only four ANCs. Ward 2 on the other hand has seven ANCs: 2A, 2B, 2C, 2D, 2E, 2F and 2G. The SMDs are numbered sequentially and carry the name of the ANC they are situated in, e.g. 2F01, 2F02, 2F03, etc. Sometimes an ANC will also be referred to by the neighborhood it represents. For example, ANC 1D is often called the Mount Pleasant ANC because it represents that neighborhood.

The Role of ANCs in Government

ANCs consider a wide range of policies and programs affecting their neighborhoods. These include traffic, parking, recreation, street improvements, liquor licenses, zoning, economic development, police protection, sanitation and trash collection and the District's annual budget. In fact, virtually no public policy area is excluded from the purview of the Advisory Neighborhood Commissions.

In each of these areas, the intent of the legislation which established ANCs and their various responsibilities, the ANC Act, is to ensure input from an advisory board that is made up of the residents of the neighborhoods that are directly affected by government policies. In this sense, the ANCs are the body of government with the closest official ties to the people in a neighborhood. Ensuring that the voices of neighborhood residents are heard, doesn't necessarily mean that their views will be followed. While the views of ANCs may be entitled to "great weight," as described more fully below, this does not mean that other parts of the government are obligated to accept ANC advice. Understandably, this sometimes leads to frustration and anger on all sides. It is important, therefore, to understand what is or isn't required by the "great weight" requirement.

ANCs may present their views to District government agencies in the Executive Branch as well as to the Council of the District of Columbia ("Council"). They may also present testimony to independent agencies, boards and commissions, usually under rules of procedure specific to those entities. By law, the ANCs are also authorized to present their views to Federal agencies.

If the viewpoint of the ANCs is advisory, why are the ANCs any different from private citizens and citizen groups who make their own recommendations to government? The answer is that the ANCs are different because unlike the situation with other neighborhood entities,

the law requires that they be given **prior notice** before proposed government action that affects the Commission area is implemented. The law further specifies that once comments are received from the ANCs, they must be given **great weight** by District government agencies authorized to receive these comments and to give them such great weight. Finally, ANCs are different because their operations of the ANCs are supported by city taxes and the Commissioners, themselves, are formally elected to their positions in elections conducted by the District of Columbia government.

Some Basics of ANC Operations

As noted above, ANCs are different from other community groups because their operations are funded by District of Columbia tax revenues. The total annual budget for the ANCs is divided among the 46 Advisory Neighborhood Commissions based upon the population of each ANC area. In FY 2025, the District's budget provides \$916,000 for the ANCs. The money is divided among the ANCs based on their population size. Thus, Commissions with larger populations receive more money, and those with smaller populations receive less. While ANCs may also receive funds from non-government sources, they may not solicit *or* receive funds in excess of \$1,000 from a single source per calendar year, unless specifically authorized by the Council.

Although Advisory Neighborhood Commissioners are not paid, they are not volunteers. As elected officials, they may be reimbursed for certain expenses, such as transportation, while on qualified official business. In addition, they are authorized to hire staff and rent office space to facilitate the work. ANCs are also permitted to operate programs that benefit the community, as a way of enhancing their neighborhoods. These programs, however, must not duplicate already available programs or services of city government.

From time to time, ANCs may provide funds for public purposes within their Commission area. The funds may be spent directly, or issued as grants to neighborhood organizations. The basic rule that applies is that such expenditures cannot be donations or used for the general support of such organizations. The funds must be for activities that benefit people who live or work in the boundaries of the ANC, and the activities must be available on an equal basis to everyone in the ANC area. Most importantly grants must promote a **public purpose** which the ANC law defines as a purpose that includes a significant benefit for the community and is not done for the primary purpose of benefitting a private entity.

II. ANC ELECTION LAWS

Basic Requirements for ANC Commissioners

The Advisory Neighborhood Commission system is an extremely open one, with few basic qualifications. As a result, Commissions are composed of individuals from all walks of life, old and young, working and retired, tenants and homeowners. In some cases, District and Federal Government employees also serve as Commissioners. ANC positions are also non-partisan².

Residents who wish to serve as an ANC Commissioner must meet four basic requirements. These are:

- (1) Be a registered voter in the District of Columbia.
- (2) Be a resident of the Single Member District which they wish to represent for at least sixty (60) days prior to filing their nomination petition.
- (3) Hold no other elected office (such as Mayor, Chairman or Member of the Council, Member of the Board of Education, or Delegate to the House, and so on.)
- (4) Have not been convicted of a felony committed while serving as a Commissioner.

Residents who meet these qualifications and wish to have their names on the ballot must also submit a petition to the Board of Elections with the names and signatures of at least twenty-five (25) registered voters who reside in their SMD.

² Although the ANC elections are non-partisan, Commissioners were also subject to the restrictions of the federal Hatch Act until a few years ago. While Commissioners are no longer covered by the Hatch Act, Commission resources, including ANC email accounts, social media accounts, and ANC office space, may not be used to promote or oppose candidates or ballot issues.

Campaign Finance and Conflict of Interest Laws

The District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, as amended, was passed in order to provide a means of monitoring and enforcing campaign finance and financial disclosure for political figures, candidates, committees, and lobbyists in the District of Columbia. The primary thrust of this legislation was that there be full and complete disclosure by and on behalf of local candidates engaged in local political campaigns, lobbyists, public officials, and political committees.

In 2011, the Council passed the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”). This law, as the title suggests, is intended to strengthen oversight of ethics within District government. It created a new agency, the Board of Ethics and Government Accountability (“BEGA”), that is charged with administering and enforcing a Code of Conduct for District government officials and employees through its Office of Government Ethics (“OGE”). The Code of Conduct includes specific prohibitions on conflicts of interests.

Since responsibility for ethical issues are now BEGA’s job, the new Ethics law also renamed the former Board of Elections and Ethics (BOEE) as simply the Board of Elections (“BOE”). The renamed BOE, however, maintains its jurisdiction over campaign finance and related disclosures through its Office of Campaign Finance (“OCF”).

Meanwhile ANC candidates remain exempt from the full registration and reporting requirements that govern political committees and candidates for other offices, who must register with the OCF and report their receipts and expenditures in detail. Although ANC candidates are not required to file an itemized Reports of Receipts and Expenditures, they are required to file a “Summary Financial Statement” (OCF Form 18). (*Note: This is a separate and different filing required by BEGA each May 15.*) This filing is required **even if** the candidate has not received any campaign contribution or has not spend any money on their campaign.

Each ANC candidate must file this statement no later than thirty (30) days after the election in which the candidate sought office, or thirty (30) days after the Board of Elections certifies the filling of a vacancy. Even though the report does not require itemization, *candidates should keep their detailed records for at least three years in case a question comes up later about their campaign finances.*

Finally, ANC candidates are also required to adhere to the contribution limitations provisions that have been continued in the Ethics Act. The limitation on campaign contributions specifies that individuals may not contribute more than twenty-five dollars (\$25) to the support of any one candidate for Advisory Neighborhood Commission. (There is no restriction on how much candidates may contribute to their own campaigns, using their own personal funds.)

Conflicts of Interest

The purpose of the conflict-of-interest provisions is to ensure that public officials, including Advisory Neighborhood Commissioners, do not use their official position to obtain financial gain for themselves or those closely affiliated with them, and to maintain public confidence in ANC decisions.

It is important, therefore, for Advisory Neighborhood Commissioners to understand the conflict-of-interest legislation. (In the past, the city's conflict of interest rules distinguished between for-profit and not-for-profit organizations. This is no longer true.) ANC Commissioners, just like any other public official, may **not**:

- Use their official position or public office in a way they believe will advance their own financial interests or of those of someone that they are “closely affiliated with” (such as a family member, business associate, or romantic partner). This would include participating in an ANC meeting to approve or disapprove a project, make a recommendation, or give advice on a neighborhood matter.
- Solicit or accept money, gifts or anything of value from a person or entity doing business with the District government or is regulated by the District government.
- Solicit or receive any money, in addition to that lawfully

received, for advice or assistance given in the performance of their governmental duties.

- Influence or participate in the decision-making process on matters where any conflict of interest can or does exist.
- Use District of Columbia government resources, including budget authority, personal services of employees during their hours of work, and nonpersonal services such as supplies, materials, equipment, office space, telephones to support or oppose any candidate for elected office or to support or oppose any initiative, referendum, or recall measure in the District of Columbia.

Notice that money, or “a thing of value,” is involved in the items in this list of prohibited actions. If a situation does not involve financial gain, it generally will not fall under the District’s conflict of interest laws. Suppose, for example, a Commissioner’s spouse serves on the board of directors of a private organization that asks the ANC to endorse or oppose some law or public policy. The simple fact the Commissioner’s spouse is on the group’s board would not, by itself, mean the Commissioner would have to recuse him- or herself from voting on the issue – unless it would have *a direct and predictable effect* on the groups’ financial interests.

On the other hand, if that group asks an ANC for a grant, the Commissioner in this example, should recuse her- or himself from the ANC’s consideration of the grant application since the grant would clearly benefit the group financially. Under the old ethics rules, Commissioners would not have had to recuse themselves if the group in this example was a non-profit organization. That no longer matters. Non-profit and for-profit groups are treated the same.

Recusal means more than abstaining from a vote. It means not participating in the discussion as well as not voting.

If a Commissioner has a conflict of interest (as defined above), the law says that the Commissioner should write a statement describing the conflict of interest. The statement should be given to the Commission

Chairperson³, and a copy should be sent to the Director of the Office of Government Ethics. A copy should also be included in the minutes of the ANC. Finally, the Commissioner should not vote or take part in the ANC's deliberations on the relevant matter.

If you are uncertain if you or another Commissioner may have a conflict of interest, ask for advice. You may contact the Office of Advisory Neighborhood Commissions or the Board of Ethics and Government Accountability (BEGA) for assistance. Remember full disclosure is always a good policy.

Term of Office and Swearing-In

Each member of an Advisory Neighborhood Commission is elected in the fall of even-numbered years. The term of office is two years, beginning on the second day of January in the year following their election. (As a historical note, the initial elections of Commissioners took place in 1976, and subsequent elections occurred in odd-numbered calendar years through 1981. In 1984, elections for ANCs, along with the School Board, began to be held only during even-numbered years. As a result of this shift, the Commissioners elected in November 1981 served a three-year term.)

A swearing-in ceremony for newly elected and reelected Commissioners is held on January 2 following the November elections. Those Commissioners who fail to attend this ceremony may be sworn in at another time; however, they are expected to arrange for their swearing-in on their own. Commissioners who have not been sworn in cannot vote at ANC meetings or participate in other official action until they are sworn in.

Commissioners must be sworn in before they can assume their official duties.

³ If the Chairperson has the conflict, he or she should give their statement to the Vice-Chairperson.

ANC and SMD Boundaries

The boundaries of the Advisory Neighborhood Commissions, as well as the Single Member Districts within them, are established by law. After the 1980 Census, the Council enacted legislation which established a procedure for redrawing the ANC and SMD boundaries based on population shifts that had occurred since the previous census.

This legislation involves establishment of Ward Task Forces, appointed by the Council, to recommend plans for the adjustment of boundaries every ten (10) years. As much as possible, the Single Member Districts were designed to have about 2,000 people within their boundaries. Initially there were 365 SMDs. Due to population losses, the number of SMDs declined after every census until 2010. Currently there are 345 SMDs arranged into 46 ANCs.

There are several aspects of the ANC and SMD boundaries which are worth noting. First, the Commissions themselves are, with few exceptions, totally within the boundaries of a single ward. The most notable exception may be ANC 3G (Chevy Chase) which is divided almost in half between Ward 3 and Ward 4. (The Commission, therefore, refers to itself as "ANC 3/4 G" although its official name is "ANC 3G."). Similarly, during the 2021 redistricting process, the newly minted ANC 8F (Navy Yard), included two SMDs located in Ward 6 – SMDs 8F04 and 8F05. This ANC is similarly known as "ANC6/8F." The exceptions illustrate an underlying philosophy about the establishment of ANC boundaries – that such boundaries attempt to preserve neighborhood boundaries. Still, considerable judgments must be made, since disagreements exist as to whether a particular city-block belongs to one neighborhood or another.

Secondly, and a source of some continuing confusion, is the fact that the Advisory Neighborhood Commission boundaries do not always match the Voting Precinct boundaries. In fact, Single Member District boundaries may cut across Voting Precincts so that a candidate will be on the ballot at more than one polling place.

Finally, petitions for changes in the boundaries of a Commission area or Single Member District may be filed with the Council of the District of Columbia during the month of January of the year in which elections are held. Such petitions must be signed by at least five percent (5%) of the registered voters of the Advisory Neighborhood Commission area. The Council then has three months during which to act on such a petition.

Vacancies by Resignation

Commissioners who intend to resign from the Commission should send a letter of resignation to the **Board of Elections** with a copy to;

1. The Council;
2. The Mayor;
3. The Executive Director of the Office of ANCs;
4. The Chairperson of their Commission; and,
5. The Vice-Chairperson of their Commission.

The Board of Elections requires a signed resignation letter to declare a vacancy. While the Board of Elections will not accept an email in place of a resignation letter, they will accept electronic copies of signed letters and photos of letters attached to an email. The Board also requires that resignations that are not immediate also be notarized.

Once the Board of Elections receives the letter of resignation, it will note the vacancy in the next possible issue of the District of Columbia Register which starts the vacancy-filling process. It is important to note here that the Board, not the Advisory Neighborhood Commission, officially starts this process. The ANC then has 90 days from the date of publication in the Register to fill the vacancy. (The resignation becomes effective as soon as the Commissioner submits it to the Board. However, the "clock" for filling the vacancy does not start running until the Board's notice is published in the Register.)

Within five (5) working days following the publication of the vacancy, candidates can pick up their petitions and begin circulating them. Usually this means the Monday following the Friday publication of the Register. (If Monday is a holiday, the petitions will be available the next business day.) Candidates interested in filling a vacancy have up to twenty-one (21) days to submit the names and signatures of twenty-five (25) registered voters in their Single Member District on a Board-provided petition form. Following the filing deadline, the Board will post the petitions for public inspection and challenge for five (5) business days.

Finally, after the inspection period ends, and any challenges are resolved, the Board will transmit a list of all names of individuals who qualify to fill the vacancy.

If more than one person qualifies, the ANC is required to hold an election for residents of the affected SMD to choose a replacement. (*The Office of ANCs is available to assist ANCs in meeting the election requirements,*

including managing the special election.) After the ANC receives the list of candidates from the Board, it must announce at a public meeting that it will conduct an election at its next meeting. Up until 2010, the law required that the ANC hold the election at its “next regularly scheduled” meeting. The law was changed in 2010 to allow ANCs more flexibility in scheduling the election by permitting the election to be held at a “special” meeting, not just at the regularly scheduled monthly meeting.

Following the selection of a replacement by the voters of the affected SMD, the ANC is required to send a resolution⁴ with the name of the winner to the Board of Elections. The resolution must be signed by any two Commission officers with copies going to the Council, the Mayor, and the person filling the vacancy. The Board then certifies the filling of the vacancy by publishing the name in the District of Columbia Register.

If the Board provides the ANC with only one qualifying candidate, that person will be “deemed” to fill the vacancy, and they will be able to assume their seat as soon as they can be sworn in. Until the procedure was changed in 2010, the Commission was required to “appoint” that person to fill the vacancy and then send a resolution reporting their action to the BOE. The use of the word “appoint” made it seem as though a Commission had discretion over whether a candidate could join the Commission or not. Since they do not, the Council changed the language to avoid confusion.

(According to the Office of the Attorney General, the winners may take office even before the Board publishes their names in the Register provided, they are duly sworn in. However, their names will not appear on the Board's list of ANC Commissioners until the ANC submits its resolution and the Board certifies the winner.)

If no one qualifies to fill the vacancy within the initial 3-week period, the Board will continue to declare the seat vacant until someone does, or until the time for filling vacancies runs out at the end of the term.

The deadline for filling vacancies is six (6) months before the next general election. However, publication requirements mean that the Board of Elections must receive notice of such vacancies before Tuesday, May 5, 2026.

⁴ Although the D.C. Official Code specifies the use of a resolution here and at various other points, it is important to note that a “resolution” is no more official or “potent” than an action reported in a letter or initiated by a verbal, as opposed to a written, motion.

Other Vacancies

Other vacancies can occur when Commissioners die, fail to reside in the SMD from which they were elected, are convicted with a felony offense, or hold another elected public office prohibited under the ANC legislation. Any of these may serve as grounds for the Advisory Neighborhood Commission to petition the Board to declare a vacancy. In fact, once the Commission becomes aware that a vacancy exists for any of these reasons, it is not allowed any discretion in permitting the situation to continue. The ANC must initiate the vacancy filling process by calling a special Commission meeting. If no one rebuts the allegation of a vacancy, the ANC sends a resolution to the Board of Elections asking them to declare the seat vacant. The ANC must also send a copy of the minutes of the meeting and a list of those who attended the meeting to the Board.

Once the resolution has been properly received by the Board, the Board posts the resolution for ten days during which any qualified voter can challenge it. If its validity is upheld by the Board, the Board will declare the vacancy in the Register. If it is challenged, the Board will conduct a hearing on the resolution. Once the vacancy is declared, the process of filling that vacancy is exactly like filling a vacancy due to resignation.

One troublesome problem has been how ANCs should handle continued absences of individual Commissioners from meetings. The legislation governing the ANCs does not permit an ANC to petition the Board to declare a vacancy simply because a Commissioner has been absent from some number of meetings.

However, petitions asking the Board to declare vacancies can be filed based on continued absenteeism combined with continued unsuccessful attempts to have mail delivered to that Commissioner. In effect, such a petition alleges that the Commissioner fails to maintain a proper address within his or her SMD. This petition, like those discussed above, must be accompanied by the minutes of the meeting in which the resolution was passed and a list of those attending and voting on the resolution. The Board, in turn, will attempt mail delivery to the Commissioner in question, and, if unsuccessful, may declare the seat vacant. Commissions that want to use this process should first discuss the procedure with the Board.

Another response, proposed by some, has been to disqualify Commissioners with poor attendance records from holding certain offices or chairmanships within the ANC. This may not, however, be a strong incentive for Commissioners who do not regularly attend Commission meetings. The ANC law offers another solution, recall.

Recall

The process by which a Commission petitions the Board of Elections to declare a vacancy should not be confused with the process of "recall." Any Commissioner may be removed from office by the registered voters of the Single Member District from which he or she was elected. This process requires that a registered voter in the Commissioner's SMD ask the Board for a recall petition and then obtain the signatures of at least ten percent (10%) of the registered voters of the SMD on the recall petition. If a Commissioner has missed all of the regularly scheduled meetings over a 3-month period, the required number of signatures is reduced to five percent (5%).

The "initiator" of a recall petition, who must live in the "affected" SMD, has thirty (30) calendar days, beginning with the day the Board first makes petitions available, to secure the required number of signatures and file the petition with the Board. The number of registered voters which is used for computing this requirement is based on the latest official voter count issued thirty (30) or more days prior to submission of the signed petition.

After a 10-day challenge period, the Board certifies the petition. If the petition is challenged, the Board holds a hearing on that challenge. If the petition is upheld, the Board will hold a special election in the SMD or conduct a mail ballot. The Board may also add the question to the ballot of a previously scheduled general, primary, or other special election (see DC Official Code §1-1001.17(l)). In 2004, two Commissioners were successfully recalled from office. Although recall efforts had been made before, 2004 was the first time a recall succeeded. Several recall efforts have been attempted since then, eight in the 2005-2006 term alone, but few have succeeded in forcing a recall election.

One additional provision applies to the removal process: the timing of recall efforts. No one may *start* the process for recalling a Commissioner during the first or last six months of their term. In addition, a recall may not be tried again within six (6) months after a prior attempt failed.⁵

⁵ It was believed by some that a Commissioner may not be recalled in the first or last six (6) months of their term. This is not technically correct. The law actually talks about when a recall may be *initiated*, not when a Commissioner can be removed from office. As long as the recall was started at least six months and a day before the end of the term, the recall vote could be held as late as the General Election, or later.

III. FINANCIAL REQUIREMENTS

The City-wide ANC Budget

Included in the City's budget each year is an amount for the Advisory Neighborhood Commissions. The Home Rule Act originally provided that the ANCs' appropriation would be pegged to the value of all property in the District. As property values rose citywide, the ANC budget would automatically increase without action by the Council or the Mayor. The "Advisory Neighborhood Commissions Funding Threshold Act of 1983," however, eliminated that funding formula. Under the new law, funding for the ANCs is set by the Council each year. However, the budget for ANCs was never supposed to be less than it was in the year that law was adopted, FY 1983, i.e. \$1,072,000. In fact, the Council and Congress subsequently reduced the ANCs' budget far below the 1983 "hold harmless" amount. Following a low in 1997 of a little more than \$400,000, the Council regularly voted to increase the ANC allocation throughout the first decade of the new century. The FY 2011 Budget, however, began with a cut of 3% over FY 2010 and the ANC budgets have remained below FY 2010 levels for a decade. Although the ANC allotment has recently been increased to just under \$916,000, it still is less than it was 20 years ago, and even more so when inflation is considered!

The Home Rule Act directs that the money be allocated to each of the ANCs in the same proportion that their population is to the total population of the District. Put another way, if an ANC's population is 1% of the total District population it will get 1% of the annual ANC allocation. If it has 3.5% of the total population, it will receive 3.5% of the annual allocation. (See the Allocations table in the appendix.)

The amount of money that ANCs receive, therefore, varies greatly from one ANC to the next. The difference in allocations illustrates the point that the ANC (as opposed to the SMD) boundaries were drawn to keep neighborhoods intact. Thus, small neighborhoods such as ANC 2D (Sheridan-Kalorama Heights) receive much smaller allotments than neighboring ANCs, such as ANC 1B (U Street, lower Columbia Heights, LeDroit Park, and Shaw) which encompass more residents. Despite this, when ANC allotments are combined on a Ward basis, they are roughly

equal, since Ward populations are required to be equal and funds are distributed to ANCs on the basis of their populations.

Individual ANC Budgets

The ANC law requires each individual ANC to adopt a budget, or spending plan, each year. ANCs have found that, when the development of the annual budget is carefully done, it serves as a useful benchmark for evaluating individual expenditures throughout the year. For example, the spending plan, when matched against the Quarterly Financial Report (“QFR”), which ANCs are now required to submit to the OANC, can provide the Commission with valuable feedback on how it is likely to end the year financially. ANC budgets, as with the Federal and District budgets, are based on a fiscal year that runs from October through the following September. This means, of course, the budget for FY 2025 will have been adopted by Commissioners who may not return to the ANC when the new term begins in January 2025. The new Commissioners, however, are free to revise the budget according to their own policies and priorities.

General Financial Requirements

Beyond the development of an annual budget, there are four general financial requirements for ANCs. A primary requirement for each Commission is that it elects a Treasurer from among its members. Once elected, the Treasurer must file with the Office of the District of Columbia Auditor, on a form provided by the Auditor, a statement containing his or her name, address, phone numbers, the location of the Commission’s records, and the location of the Commission's bank accounts.

An ANC may not make any expenditures at any time that it does not have a Treasurer.

A second requirement is that each Commission must formally designate the location at which the Commission's books and records will be maintained. This is to be done so that each member, as well as the Auditor, knows where books and records are. If this location changes during the year, the Commission should approve the change (in a public meeting) and notify the Auditor's office.

A third general requirement is that each Commission must formally designate one or more financial institutions within the District of Columbia (out-of-state banks may not be used) to be the depositories of the Commission's funds. Several requirements apply to these depositories. They must be institutions that are currently insured by the federal insurance agencies. In addition, each ANC is permitted only one checking account. It may also establish one savings account for funds not immediately needed for ANC operations. Finally, the phrase "District of Columbia Government" **must** be included in the name of each account **and** on the face of each check (or debit card) issued by the ANC.

An ANC must comply with these requirements or be prepared for the OANC to "disallow" the expenditures that do not comply with the rules. When an expenditure is "disallowed" the amount of the expenditure is deducted from the ANC's future funds. For example, if an ANC spends \$1,000 to buy new office equipment with a check that does not have the words "District of Columbia Government" on it, the expenditure will be "disallowed", and the Office of the Chief Financial Officer (OFCO) will be advised to subtract \$1,000 from the ANC's next allocation.

No expenditures may be made by a Commission at any time when a current and accurate information statement is not on file with the Auditor.

Procedures for Expenditures of Funds

There are several additional rules that ANCs must follow in spending its allocated funds.

All checks must:

- Include the name of the ANC and the phrase "District of Columbia Government" on their face;
- Be pre-numbered;
- Be issued in consecutive order; and,
- Be signed by two officers, one of whom must be the Treasurer *or* the Chairperson. (The bank should be notified immediately if an authorized signer leaves the ANC.)

In addition, the following practices are prohibited:

- The signing or countersigning of blank checks. (All blank checks should be under the direct control of the Treasurer.)
- Writing checks to "cash." (Checks for the petty cash funds should be written to the name of the person who is responsible for holding the fund.)
- Using counter checks or "cashier checks."
- Expending funds through ACH transfers. Debit cards are currently allowed.

The Commission should mutilate, but not destroy, voided or spoiled checks to preclude their unauthorized use. The Commission should also keep these checks to account for the consecutive numbers.

Beginning in FY25, ANCs can use debit cards and make ACH transactions as a payment method.

Authorized Disbursements

No expenditure may be made unless authorized by the ANC. The authorization may come as a motion to approve a specific expense. Or, it may come in the form of an approved budget, which would cover recurring expenses such as staff salary, rent, or utilities. This procedure relieves the ANC of the need to approve the rent or phone bills, for example, at every monthly meeting. In either case, whether “specific” or “general,” the approval must be recorded in the minutes of a properly noticed, public meeting of the ANC.

Small purchases can also be handled through a petty cash fund. The law allows ANCs to maintain a petty cash fund of up to \$200, although best practices suggest that \$50 should be the ceiling unless there is good reason to keep more in the fund. Similarly, expenditures over \$10 should normally be made by check (or debit cards) unless there are compelling reasons to use the petty cash fund instead. This fund should be reimbursed by the Treasurer periodically upon the accumulation of appropriate supporting documents, such as cash register receipts, invoices, or other appropriate documentation. (The reimbursement check must be made to a specific person, a Commissioner or Commission staff person. It may *not* be made out to “Petty Cash.”)

No expenditures may be made unless authorized by the ANC and recorded in its minutes.

ANC Grants

In support of the work ANCs do, each Commission receives an annual allocation of funds which they may expend “for public purposes within the Commission area or for the functioning of the Commission office, including staff salaries, Commissioner training, property liability insurance, legal expenses for Commission representation by an attorney licensed in the District before an agency, board, or commission of the District government, and nominal refreshments at Commission meetings.” While the primary function of ANCs is not the issuance of grants, their “expenditures may be in the form of grants . . . for public purposes within the[ir] Commission area.”⁶ Whether through a grant or direct expenditure ANC expenditures are limited to the two areas defined in the D.C. Official Code (“Code”) and the same basic tenets applicable to the more traditional grant process with one

significant difference – a recipient of an ANC grant may expend funds for entertainment whereas an ANC may not.

An ANC’s power to issue grants flows out of the District of Columbia Home Rule Act.⁷ When Congress directed the Council to establish ANCs,⁸ it authorized each ANC to “expend, for public purposes within its neighborhood area, public funds and other funds donated to it.”⁹ Congress also directed the Council to allot funding to ANCs so that they could, among other things, “conduct programs for the welfare of the people in a neighborhood commission area.”¹⁰ And it authorized the Council to “legislate with respect to the [ANCs] established in this section.”¹¹ The Council then adopted the Advisory Neighborhood Commissions Act of 1975,¹² section 16 of which¹³ governs grants and other ANC expenditures.

Section 16 as amended sets out the process an ANC must follow before issuing a grant. The grant applicant must “submit an application in writing to the Commission and to the OANC” (the Office of Advisory Neighborhood Commissions), using a template designed by the OANC.¹⁴ The application must describe the proposed project and its benefits, identify the cost of the project, and identify any overhead the applicant would incur in carrying out the project.¹⁵ If the ANC awards the grant (by vote at a public meeting), the grant recipient must report on how the funds have been spent (with receipts), starting 60 days after the award of the grant and then every 90 days thereafter.¹⁶ This process is designed to make sure that, when someone requests a grant from an ANC, the ANC can determine whether that grant would meet the requirements of section 16 – both its specific requirements for grants and the more general requirements that apply to all ANC expenditures.

Office of the Attorney General (“OAG”) letters and the Code have pinpointed five (5) specific requirements for grants:

⁶ See also: D.C. Official Code § 1-309.13(l)(1)

⁷ Approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 et seq.).

⁸ Interestingly, ANCs were originally called “advisory neighborhood councils” until the Council renamed them in 1975. See Advisory Neighborhood Commissions Act, effective October 30, 1975 (D.C. Law 1-27; 22 DCR 2472).

⁹ D.C. Official Code § 1-207.38(c)(2).

¹⁰ *Id.* at § 1-207.38(e).

¹¹ *Id.* at § 1-207.38(g).

¹² Effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*).

¹³ Section 16 of the ANC Act is codified at D.C. Official Code § 1-309.13.

¹⁴ D.C. Official Code § 1-309.13(m)(2).

¹⁵ *Id.*

¹⁶ *Id.* at § 1-309.13(m)(3).

- 1) **Public Purpose:** ANC grants, like other expenditures not for the maintenance of the ANC office, must be for “public purposes within the Commission area.”¹⁷ A public purpose is one that “includes a significant benefit for the community” and is not done for the primary purpose of benefitting a private entity.”¹⁸ The OAG has explained that this does not preclude a grantee organization from receiving some indirect benefit from the grant, as long as the public is the grant’s primary beneficiary.¹⁹
- 2) **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”²⁰ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.²¹
- 3) **Proposed Project:** A grant must be for a “proposed project.”²² The word “project” means a grant must be for a specific undertaking, not for general support of an organization, and the word “proposed” means that a grant cannot reimburse an organization for expenses connected to an existing or completed project.²³
- 4) **Organization:** A grant must be to an “organization,” not an individual or a government entity,²⁴ although the organization need not be incorporated.²⁵

¹⁷ *Id.* at § 1-309.13(l)(1).

¹⁸ *Id.*

¹⁹ See Letter to Shane Anthony, Dec. 10, 2008, at 2, available at [Grant to Fund Purchase of Electronic Communication Equipment \(dc.gov\)](#) (citing Letter to Philip C. Spalding, July 13, 2005, at 2).

²⁰ D.C. Official Code § 1-309.13(m)(1).

²¹ See Letter to Deborah K. Nichols, Nov. 9, 2006, at 2 n.2 (on file) (ANC 4C grant was permissible where “[b]enefit to other ANCs would be incidental to the benefit conferred on ANC 4C residents,” because a grant’s benefits need not “be exclusive to the ANC that gives the grant funds”); see Letter to Comm’r Fletcher, Mar. 15, 2022, at 2, available at [Microsoft Word - Letter to Commr Fletcher re Public Purposes Within ANC Area \(AL-22-180\).docx \(dc.gov\)](#) (making the same point with respect to the public-purpose requirement).

²² See D.C. Official Code § 1-309.13(m)(2)(A).

²³ See Letter to Comm’r Varzi, Dec. 3, 2019, available at [ANC-4C-After-the-Fact-Grant.pdf \(dc.gov\)](#)

²⁴ D.C. Official Code § 1-309.13(m)(1); see Letter to Deborah K. Nichols, Jan. 14, 2010, at 4, available at [Guidelines for Use of ANC Funds to Purchase School Supplies and Support School Activities \(dc.gov\)](#) (a public school is not an “organization” and therefore cannot receive ANC grants).

²⁵ See Letter to Deborah K. Nichols, Aug., 4, 2000 at 3, available at [Grants by ANCs - Public Purpose and Corporate Status of Recipients](#) (“The plain meaning of the term ‘organization’ includes unincorporated associations”).

- 5) **Non-Duplication:** A grant must be for services that are not “duplicative of any that are already performed by the District government.”²⁶ An ANC grant thus cannot fund services that the District government already provides.

Grants must also abide by the limits applicable to ANC expenditures more generally. They thus cannot be for “any purpose that involves partisan political activity, legal expenses other than for Commission representation before an agency, board, or commission of the District government, or travel outside of the Washington metropolitan area.”²⁷

An applicant for an ANC grant shall submit an application in writing **to the Commission and to the OANC**. Applicants are directed to use OANC Form 100 available on the OANC Web site, and shall contain the following information:

- A description of the proposed project for which the grant is requested;
- A statement of expected public benefits;
- The total cost of the proposed project, including other sources of funding, if any;
- A detailed budget clearly identifying how ANC funds are to be used; and,
- An accounting by the grantees of the expected overhead costs the grantees will incur in carrying out the grant. No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed fifteen percent (15%) of the entire grant amount.

Upon receipt, the OANC reviews grant applications for financial compliance and reports its findings to the Commission. The OANC’s review takes no position on whether or not a Commission approves a grant application, as that is the purview of the ANC.

²⁶ D.C. Official Code § 1-309.13(m)(1). The ANC Act does not apply this same restriction to non-grant expenditures. *See Id.* at § 1-309.13(l).

²⁷ *Id.* at § 1-309.13(1)(2).

Financial Reporting Forms

One of the most important requirements for Advisory Neighborhood Commissions is that they complete and approve a report of their financial activity each quarter. This form summarizes the balance brought forward, the receipts, the disbursements, closing balance, and the status of any savings accounts maintained by the individual Commission. (Until the middle of FY2017, the ANC law directed that the Quarterly Financial Report (QFR) should be submitted to the D.C. Auditor. The law now requires that the report be submitted to the OANC.)

The QFR is reviewed by the OANC, which then advises the Office of the Chief Financial Officer (OCFO) whether to release an ANC's allotment or withhold some or all of it. The OANC will recommend that the OCFO withhold a portion of an ANC's allocation if the Commission has spent money for something that is not allowed (e.g. a committee luncheon) or is not in accordance with the procedures for spending money (e.g. the expenditure is not recorded in the minutes, or the check doesn't have two signatures). It is the OCFO that makes the quarterly allotments to the ANCs.

If an ANC does not submit a QFR that is approved by the OANC, it will not receive a quarterly allotment. Because a Commission cannot approve a report until the quarter ends, and it then takes time for the OANC to do its review and for the OCFO to send out the allotment to the ANC's bank, the timing for QFR approval and disbursements of allotments are staggered. Rather than tying the receipt of say, the second quarter's funding to approval of the first quarter, as might seem logical, it is tied to the 4th quarter of the preceding fiscal year. In other words, you won't get an allocation for the next quarter until you turn in the quarterly report for *the quarter before* the last quarter.

A Commission's allotment for the current quarter depends on submitting an approved quarterly report for the quarter two quarters ago. (The report must be approved by both the ANC and the OANC.)

The following table shows how this works for fiscal year 2025.

Allotment Checks by Quarter, and the Required Submission of
Previous Quarterly Reports of Financial Activity.

Allotment Check for:	Requires approval of Quarterly Report for:
<i>1st Qtr. FY2025</i>	<i>3rd Qtr. FY2024</i>
<i>2nd Qtr. FY2025</i>	<i>4th Qtr. FY2024</i>
<i>3rd Qtr. FY2025</i>	<i>1st Qtr. FY2025</i>
<i>4th Qtr. FY2025</i>	<i>2ⁿ Qtr. FY2025</i>

It is important to note again that the Quarterly Report must be approved by the Commission by a vote during one of its public meetings. The form must be certified by the Secretary and signed by the Treasurer and the Chairperson of the Commission. (The report should be signed by the officers who were in office when the report was approved, not

necessarily by the officers who were in office when the expenditures were made.)

Turn in Schedule: There are two deadlines to be aware of, the law requires (1) that the QFR be approved within **45 days** of the end of the

quarter, and (2) that the approved and signed report be submitted to the OANC within **15** days of its approval.

If an ANC’s reports are submitted late, it will receive its allocations late. However, because some ANCs were so late in turning in their reports, the Council changed the rules. Now if an ANC has not received all the allotments that it has coming to it (because it has not turned in its complete, and OANC-approved, quarterly reports) by the end of the fiscal year, it will forfeit those funds. This has happened to some ANCs. Even though a Commission loses some or all its quarterly allotments for a given fiscal year, *it must still turn in those incomplete or missing reports before it can receive any future allotments!*

Thus, the April-June 2025 (3QFY25); July-September 2025 (4QFY25); October-December 2025 (1QFY26); and January-March 2026 (2QFY26) QFRs must be submitted *and approved by the OANC* before the end of September 2026, or an ANC will lose the funds triggered by

those reports.

(Special Note: In addition to the requirement that these reports be turned-in and approved before the end of the fiscal year, the Council also passed legislation punishing ANCs for the “untimely” submission of reports, i.e., approving a report 60 days after the end of a quarter or submitting it to the OANC 30 days after it was approved instead 15 days. Submitting two consecutive reports “untimely,” according to this provision, will result in the loss of one quarterly allotment.

Allowable and Prohibited Expenditures

The Home Rule Act, which authorized the establishment of Advisory Neighborhood Commissions, also provided that the District government would fund the ANCs so that they could “employ such staff as may be necessary” as well as “conduct programs for the welfare of the people” in the ANC area.

In fact, ANC funds may be spent on a variety of items. These include things that are necessary for the operation of the ANC office such as staff compensation and benefits, consultant or contractual services, legal expenses, local travel and transportation, rent, and equipment, postage and telephones, utilities, printing and reproduction, office supplies and materials, and insurance.

There are a number of restrictions, however, on how ANC funds (which do, of course, come from taxpayers) may be spent. In general, all funds allocated to the ANCs must be used for a “public purpose.” They may not be used for promoting partisan political activity²⁸ or for personal expenses. Advisory Neighborhood Commissions are also explicitly prohibited from spending their funds on litigation²⁹. However, ANCs may still hire attorneys to represent them before boards and commissions, such as the ABC Board or the Zoning Commission, or to conduct legal research. Most of these limitations are spelled out in the ANC law. However, because the District’s budget must be approved by Congress it is also covered by Federal appropriations law. As a result, ANCs also may **not** spend money on food or entertainment without specific legislative authority.

ANCs cannot spend money without explicit authority to do so.

²⁸ However candidate forums intended for voter education are permissible.

²⁹ In the *Kopff v. District of Columbia Alcoholic Beverage Control Bd.* decision, it states: “we hold that ANC area residents (including ANC Commissioners as individual citizens) have standing to initiate legal action to assert the rights of the ANC itself. We recognize this legal standing of ANC area residents because they satisfy the threshold

requirements: injury in fact and assertion of an injury arguably within the “zone of interests” sought to be protected or regulated by the statute in question.

This also means, for instance, that ANCs may not give grants to neighborhood organizations, for example, to buy food³⁰. In general, Commissions may not give grants to buy things or do things that the ANCs themselves are not allowed to do. Commissioners should bear in mind that not every worthy activity or cause is something that they are authorized to support. The need or deservingness of any individual or group is not, by itself, a criterion for awarding a grant. Moreover, while ANCs are explicitly authorized to give grants to local neighborhood organizations *they may not make “contributions,”* i.e. pure gifts, to any group or individual.

Finally, while ANCs are authorized by the Home Rule Charter to “conduct programs for the welfare of the people of the commission area,” they may not operate programs that duplicate existing government services. (Although a provision in the DC code³¹ that expressly prohibited ANCs from operating programs that “duplicate already available programs or services” was dropped, the Office of the Attorney General has concluded that other sections of the code and underlying government policy, still prohibit ANCs from duplicating government services.)

Employee Compensation

Most Advisory Neighborhood Commissions, at some point, consider the question of whether to hire staff to help Commissioners meet their administrative and programmatic needs. Historically, nearly all Commissions have chosen to employ staff at one time or another.³² In the early 1990’s, thirty (30) out of the thirty-seven (37) ANCs employed staff. However, following the unexpected Congressional slashing of the ANC allocation in 1993, many Commissions were forced to lay off staff. While ANC funding levels began to approach prior levels, ANCs were slow to resume hiring staff. Nevertheless, close to two-thirds of the ANCs have some hired staff, sometimes sharing the same person.

³⁰ Originally ANC funds could not be spent on "food." This has since been changed to allow ANCs to pay for "nominal refreshments," but only at “full” Commission meetings.

³¹ The formal title of the current version of the compilation of District laws is the “District of Columbia Official Code.” The previous codification was entitled the “District of Columbia Code.” The current version will be referred to in this Handbook as the “D.C. Official Code” or the “Code.”

³² Significantly, the Home Rule Charter lists “employ such staff as may be necessary” as the first reason to provide funding to the ANCs.

Generally, when an individual or individuals perform services for an ANC, and he or she receives wages for those services, they are considered employees of the Commission. Some Commissions in the past have attempted to avoid the paperwork and the taxes, by classifying staff persons as consultants. The consultant classification is often misleading and misunderstood and it puts ANCs at risk of IRS penalties. It is best to assume, therefore, that anyone who does work for an ANC is an employee. If you believe that someone working for you is truly a consultant, you may request verification from the Internal Revenue Service.

In previous years ANCs were required to purchase Worker’s Compensation insurance for their employees. This was changed in a little noticed provision of the "Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000." The District of Columbia Government now assumes responsibility for ANC staff who are injured on the job. (ANCs must still pay, however, for unemployment insurance for their employees.)

Apprehension over tax liability and filling out tax forms has been one reason some Commissions have not rehired staff to help them. The OANC will assist interested ANCs with these issues. The OANC will aid ANCs in determining employee withholding requirements, provide sample position descriptions, and other employment help including payroll forms. Commissioners, after all, *are not elected to carry out administrative tasks* such as sending out meeting notices, drafting minutes, or keeping books *but to advise the District government on issues of neighborhood concern.*

ANCs are not required to purchase workers comp insurance for their employees.

Supply Acquisition

It is the total responsibility of the individual ANC to furnish its office with furniture, office machinery, and supplies. The cost of these items is to be paid for from the Commission's allocation. Commissions may rent, lease, or buy supplies, and are responsible for any expense due to repair of furniture or machinery. ANCs, however, may obtain office furniture or equipment without cost from the District and Federal governments' surplus property warehouses. (*For additional information on obtaining surplus property for your ANC contact the OANC.*)

Office Space

Having your own office space can be important to an ANC's efficiency and effectiveness. The Home Rule Act explicitly mentions rent as one of the reasons for giving ANCs funds from the District budget. Of course, if office space is available for "free," all the better. As a result of amendments to the ANC law in recent years, ANCs may be able to get such space in District owned or leased buildings.

The law directs the Mayor to provide suitable office space to ANCs who request it – *if* such space is available. The Mayor, moreover, is directed to acknowledge ANC requests, properly submitted, within fifteen (15) days. The Mayor is then supposed to provide the ANCs with a list of "available" space within forty-five (45) days after that. *(The OANC will provide a document template for requesting office space.)*

If the Mayor (i.e., the Department of General Services, formerly the Office of Property Management) is unable to identify any "available" office space in the ANC area, or the ward in which the ANC is located, the law authorizes the Mayor to reprogram money already in the budget for an ANC to rent space in the private sector. Up to \$600 per month is allowed for this purpose. It is up to the Mayor, however, whether or not to reprogram any money. She is not required to do so. However, even if such funds are not reprogrammed, the Mayor is still directed to assist ANCs in finding appropriate office space.

Tax Exemption

Advisory Neighborhood Commissions are exempt from sales tax when making purchases in the District of Columbia. You are advised to take a copy of the Tax-Exempt Certificate with you when making purchases for your ANC. *(Contact the OANC if your ANC needs a new certificate.)* Your tax-exempt number is different from the Tax Identification Number (TIN) or Employer Identification Number (EIN) which you need for your bank account and is also different from the number you need for making tax payments if you have employees. The OANC can provide instructions on how to obtain a TIN.

IV. NON-FINANCIAL REQUIREMENTS

Election of Officers

One of the first obligations of the newly elected Advisory Neighborhood Commissions is to elect officers from among themselves. These elections are held on a yearly basis, during the Commission's first meeting in January following the election. The law requires that each Commission elect four officers: (1) Chairperson³³, (2) Vice-Chairperson, (3) Secretary, and (4) Treasurer. Commissions may, however, elect additional officers and often do so. Oftentimes, in the interest of impartiality, Commissions invite an individual from outside of the Commission membership to conduct the elections portion of the meeting, but this procedure is not required. The law does, however, require that a non-Commissioner count the votes. It also requires that each ANC adopt a “tiebreaker” for the officer elections.

The Code gives the Chairperson the job of convening and chairing Commission meetings. The Code also directs the Chairperson to sign certain documents on behalf of the ANC. It does not, however, give the Chairperson other responsibilities such as supervising staff, deciding the ANC’s meeting schedule, or being the ANC’s sole representative to the DC government. Such duties may be laid out in the Commission's bylaws or standing rules or may be determined on a case-by-case basis. Conflict can arise in a Commission when the Chairperson or others assume, perhaps based on their experience with other organizations, that the position entails more power than the ANC Act or an ANC’s bylaws assign to it. It is therefore important for an ANC to clearly specify these particular duties.

The Vice-Chairperson fulfills the obligations of the Chairperson in his or her absence. Additional duties may be assigned to the Vice-Chairperson by the ANC’s bylaws..

³³Although this position is often referred to colloquially as the “Chairman,” according to the Code, the official name is “Chairperson.”

The Secretary is responsible for seeing that the ANC's minutes are produced and meeting notices are sent out, and that these and other documents are also sent to the OANC. The Secretary is also responsible of ensuring that records of the Commission are maintained. Other duties, as with the other officers, may be spelled out in the ANC's bylaws.

The Treasurer is responsible for the Commission's financial records. As noted elsewhere, any changes in the office of the Treasurer are to be reported to the Auditor immediately. Moreover, the ANC may not make any expenditure when the office of Treasurer is vacant.

While the officers are “responsible” for certain activities, such as ensuring that minutes are taken, or keeping the Commission’s books, the law doesn’t require that the officers themselves perform these activities. Commission staff may perform these functions under the direction of the appropriate officer.

The law governing the Advisory Neighborhood Commissions also allows each Commission to establish committees and task forces as needed. Membership, as well as the chairmanship, on such committees and task forces is to be open to any resident of the Commission area. The chairperson of such a committee or task force, however, according to the law, is to be appointed by the Commission. It is important to emphasize that while committees and task forces are permitted, the Commission can not delegate decision making authority to them, and therefore, any conclusions they draw can only be recommendations for the Commission to consider.

Bylaws

Each Commission is required to have bylaws to govern its operation and internal structure. While the meetings themselves are to be governed by *Robert's Rules of Order* (unless they are contradicted by the Code or the ANC's bylaws), the bylaws go beyond a discussion of the conduct of meetings alone. The bylaws, for example, might spell out how proposals and requests from community residents are to be submitted. The bylaws might also indicate under what circumstances which individuals may speak or testify for the Commission.

Not all of the ANC’s procedures need to be included in the bylaws just as not all of the laws and regulations of the United States of America are

Not all procedural rules need to be in the ANC’s bylaws.

included in the Constitution. The rules concerning meeting procedures such as when Commissioners and audience members may speak, or how agenda materials will be circulated, can be contained in the ANC's "standing rules" or "standard operating procedures." The advantage, or disadvantage, of putting certain procedures in the standing rules is that they may be easily changed at any meeting by a simple majority. The bylaws, on the other hand, typically require advance notice and a super-majority for any modifications.

Current law requires that the bylaws include such things as the procedures for acting on constituent and committee recommendations, the use of the Commission office and supplies, and the procedures for filling a vacancy in the office of Treasurer.

Because ANCs are "continuing bodies," ANC bylaws remain in effect until they are changed. They do not need to be re-adopted every two years by a "new" Commission. If, however, the bylaws are changed, a copy of the revised bylaws must be filed with the DC Council and the OANC within 30 days of the changes.

In addition, the OANC is available to review ANC bylaws and provide advice, as needed, at the request of the Commission.

Meetings and Written Notices

By law, each Commission must meet regularly, at least nine times a year, to consider any actions or proposed actions by government entities. In practice, almost all ANCs meet monthly (August, and sometimes July or December, excepted), although a few meet twice a month. All Commissions have made it a standard procedure to meet on the same day each month, e.g., every first Monday, or every second Wednesday, etc. To avoid last-minute confusion or delay due to emergencies or bad weather, many ANCs have adopted a rule that they will not meet when the DC government shuts down.

Commissions are also required to give at least seven days' written notice of each Commission meeting. Shorter notice may be given in the case of an emergency or for other good cause. The law does not require that the agenda be included in the notice, but it is a good practice to include mention of any issues of community significance that are expected to come up at the meeting. Although the agenda is not required to be included in the meeting notice, the law does require that the agenda (more specifically, the "proposed" agenda,) be posted on the ANC's website, if it has one. ("Special" meetings must meet the same notice requirement.

as regular meetings.) Also, although legislation first adopted during the Covid-19 health emergency permitted virtual meetings in lieu of in-person meetings, it did not change the notice requirements.

Notice must be given in *two different* ways. These two methods must be selected from a list of four alternatives given in the law. The four alternatives are: (1) Posting notices in at least four conspicuous places in

Notice for ANC meetings must be given using two different types of notice.

each Single Member District within the Commission area. (2) Publication in a city or community newspaper. (3) Distributing a notice to a mailing list (email or snail mail). (Sending the notice out to more than one listserv only counts as “one” method.) (4) Finally, the law also allows Commissions to use other methods of their own choosing. A Commission wishing to use a specific method not listed in the law (one of the first three mentioned above) should be sure to vote on the method at a public meeting and record the selection in its minutes in order to make it a valid alternative.

Practices regarding the establishment of a meeting place for the regular meetings of the ANC vary across the city. Some Commissions hold their meetings at the same place each time. (“Consistency makes it easier for people to remember when and where the meetings are.”) Others move their meetings to different locations throughout the ANC area. (“Changing the location increases accessibility, especially in an ANC that covers a large geographical area.”) While there are thus advantages and disadvantages to each practice, the basic requirement of the law remains the same: “to establish such mechanisms as will ensure the broadest dissemination of information with respect to commission meetings, positions, and actions.”

Until 2000 a Commission was required to convene the residents of its commission area regularly to obtain their views on problems in the area. This was to be done at least four times a year. That requirement was eliminated. However, ANCs are required to provide an opportunity at every meeting for residents to speak out. (More specifically, “[e]ach Commission shall set aside a portion of each public meeting to hear the views of residents within the Commission area and other affected persons on problems or issues of concern within the Commission area and on proposed District government actions that affect the Commission area.” See D.C. Official Code § 1-309.11(b)(3)).

Many Commissions, moreover, still hold meetings that they call “Town Hall Meetings” or “Community Meetings.” Sometimes they are

sponsored jointly with a civic or citizen association in the neighborhood.

Meeting Minutes

Meeting minutes are an official record of a meeting's proceedings that document key issues, decisions, action items, and responsibilities. They serve many purposes, including transparency and accountability, historical reference, evidence of compliance and to set forth a clear list of actions for the future. It is important for there to be a record of the vote and a clear indication of what was voted on. If, for example, consent items from the agenda were voted *en masse* then a list of the items voted on should be included in the minutes or a *final* be attached to the minutes and incorporated by reference is important. For minutes to be used for official purposes such as Quarterly Financial Reports or banking business they need to be final (not draft) minutes that have been certified. Certification is normally done similar to the following at the end of the minutes:

Prepared by:
Approved on: October 15, 2024
Attested by: _____

Another variation is:

Adopted on October 15, 2024.

Penny Lane, Secretary

The signature is usually by the Secretary but can be any officer who can attest that this is a copy of the minutes adopted by the Commissioner if the Secretary is not available. (See the appendix for a sample of meeting minutes and for Frequently Asked Questions about minutes)

(For additional information, see OANC General Guidance No. 2024-002: ANC Documents: Meeting Minutes vs. Transcripts)

The Annual Report

Prior to 2000, ANCs were previously required to file an Annual Report for the fiscal year which was just completed. In 2000 was made optional, but it remained a part of the ANC Act. In 2016, the Council added a requirement for an “annual report or newsletter” (*see* D.C. Official Code § 1-309.10(n-1)), while leaving intact the provision for an optional Annual Report. The new, mandatory report is less comprehensive than the optional report, and aims at letting the community know what activities and issues the ANC focused on.

V. NOTIFICATION REQUIREMENTS

Charter Mandates

At the heart of the Advisory Neighborhood Commission system is the transfer of information to the Commissions on government actions and proposed actions. Indeed, the section of the Home Rule Act (Section 738(d); *see* D.C. Official Code § 1-207.38(d)), which authorized what were then called the Advisory Neighborhood Councils, reads as follows:

"In the manner provided by the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment and recommendation."

There are several aspects of this "timely notice" provision, without which, the Advisory Neighborhood Commissions could not fulfill their mandate to provide "review, comment, and recommendation" to government.

The District's "Sunshine Act"

The requirement for timely notice must be understood in the general context of governmental decision-making which is open and subject to public examination. The District has long had a "Sunshine Act" to ensure that its business is conducted openly. The tradition of openness goes back to the Home Rule Act (Section 742; *see* D.C. Official Code § 1-207.42) itself which reads, in part:

"All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the Council of the District of Columbia, at which official action of any kind

is taken, shall be open to the public. No resolution, act, or other official action shall be effective unless taken, made, or enacted at such a meeting."

This broad provision serves as the underpinning to all additional legal requirements for openness in government. The "Sunshine Act" or "Open Meetings Act" applies as well to the work of the Advisory Neighborhood Commissions themselves.

Any votes taken at a closed meeting are null and void.

This section, however, is sometimes misunderstood. It does not ban Commissioners from meeting privately. In some jurisdictions, elected officials may never meet privately. That is not, however, what the District's law says regarding Commissioners. The District's Open Meetings Act does say that a majority of the members of a "public body" cannot meet without giving notice to the public. However, it exempts certain groups of officials, including ANCs, from the definition of public body (*see* D.C. Official Code § 2-574). Accordingly, that part of the Code does not apply to ANCs. A majority of Commissioners, therefore, may meet informally at public events or when attending non-ANC meetings.

Most importantly, however, no votes or "official" decisions may be taken at a meeting of Commissioners when public notice has not been given or in closed sessions with the exceptions being when an Advisory Neighborhood Commission meets to discuss personnel or legal matters (*see* D.C. Official Code § 1-309.11(g)). In accordance with the Home Rule Charter, any votes taken at such closed sessions are null and void.

"Official" decisions or action in this context means advice or recommendations to other government officials or agencies. It is "ok" to take votes on *administrative* actions such as deciding what room to hold the monthly meeting in, where to post the meeting notices, or what color paper to print the agenda on, in "Executive Committee," "Administrative meetings," or "Committee of the Whole" meetings. While ANC administrative meetings are also required to be open, they are not required to set aside time to hear the views of residents as required in the monthly public meetings.

Thirty Days Written Notice

In the case of the Advisory Neighborhood Commissions, District law goes beyond the general requirements of the Sunshine Act. In expanding

on the "timely notice" requirement of the Home Rule Act, District law requires that thirty³⁴ days written notice of many District Government actions or proposed actions shall be given to each Commission affected by these actions.³⁵ These actions or proposed actions cover a broad range of topics, including planning, streets, recreation, social service programs, education, health, safety and sanitation. While these "noticeable" activities cover a broad spectrum, as explained below, not everything that the government does must be the subject of a notice to an "affected" ANC, and when notice is required, it is not always 30 days; it may be more, and sometimes less.

For example, the Department of Buildings (DOB) is required to notify ANCs of applications for building permits and, subsequently, applications that have been approved and issued. In contrast, the Department of Health (DOH) is *not* required to notify ANCs when it issues permits for asbestos abatement.

Proposed government actions covered by the law include those of the executive branch as well as independent agencies.³⁶ The law specifically cites awards of grant funds, formulation of grant application guidelines, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting an ANC area. Other issues mentioned are the District government's budget and city goals, priorities, proposed changes in service delivery and the opening of any proposed facility systems. Although the law mentions some specific categories of government activity, the law indicates that the prior notification requirement "shall not be limited to" these areas.

ANCs are entitled to 30 days' notice and "great weight" on many, but NOT all, government actions.

The following areas of governmental actions are given special attention in the law:

- 1) **ABC Licenses.** The Alcoholic Beverage and Cannabis Board (ABC Board) is required to give ANCs 45 days' notice of all applications

³⁴ In 2000 the law was amended to exclude Saturdays, Sundays and legal holidays in counting the 30 days.

³⁵ More than one ANC can be affected by a government action and may therefore be entitled to "Great Weight." However, the additional ANCs may be required to demonstrate that they are "affected" by the proposed action.

³⁶ Originally the Council was included as well but it was removed from the list by the "Advisory Neighborhood Commission Omnibus Amendment Act of 2016."

for ABC licenses or renewals. In addition, the Board is directed to give each ANC a list, every three months, of all the ABC licenses due to expire over the ensuing six (6) months.

- 2) **Building and Space Permits.** The Department of Buildings (DOB) is directed to send each affected Advisory Neighborhood Commission twice a month a list of applications for construction and demolition permits within the ANC's boundaries. The Department is also supposed to send a list of public space applications twice a month as well.
- 3) **Zoning Matters.** The Office of Zoning (OZ) is responsible for notifying affected Commissions and Commissioners of applications for special exceptions, variances, Planned Unit Developments, the hearings on these applications, and other zoning matters.

Whether or not an agency is required to inform an ANC of pending action depends on several factors. Is the action a “final policy decision or guideline”? Is the action specially included in the list of relevant actions included in the ANC law? Is the action covered by another, different law (e.g. charter schools)? And is the action something that has “significance for neighborhood planning and development” in that Commission area?

Beginning in 2010, the notification requirements were modified to allow DCRA (now DOB) and OZ to substitute email notification to ANC offices for first-class mail. Electronic notification is now the “default” for all required agency notification to ANCs. The latest change to the ANC law, however, provides that any Commissioner or Commission that wishes to opt out of electronic notification should inform the OANC which will then alert the appropriate agencies.

In some cases, the thirty-day rule can also be relaxed. Shorter notice can be given in the case of an emergency or for other good cause. Such notice, however, must be provided in the District of Columbia Register. During the Covid-19 health emergency, some notice requirements were increased. Certain 30-day requirements were changed to 51-day requirements, and certain 45-calendar-day requirements were changed to a 66-calendar-day requirement.

District of Columbia Register

An important component to the public notification efforts of the District government is the weekly publication of the *District of Columbia Register* (“*Register*”).

The *Register* is published each Friday by the Office of Documents and Administrative Issuances (“ODAI”). It includes notices of final, proposed, and emergency rulemaking; “Acts” and resolutions of the Council of the District of Columbia; notices of proposed Council legislation, Council hearings, and other Council actions; notices of other public hearings; Mayor's Orders; and other notices and information of general public interest.

Until fiscal year 2011, the ODAI mailed a copy of the weekly *Register* to each ANC office. The Office of Documents has since ceased publication of “hard” copies of the *Register*. The *Register* is now available only on-line. The easiest way to reach the *Register* is by going to <http://dcregs.dc.gov>. The same web site also provides access to DC Municipal Regulations (DCMR) and Mayor’s Orders. There is a great deal of useful, and readily accessible, information on this web site. It can be an important tool in every Commissioner’s tool kit.

The DC Register is now available only on-line at dcregs.dc.gov. (The DCMR is available there as well.)

Responses by ANCs and ANC Proposals

Once an Advisory Neighborhood Commission is advised of government actions or proposed actions, what happens? The ANC is charged with responding to these notices at a meeting open to the public. No official response to actions or proposed actions of government may be taken by a Commission unless there is a quorum at such a public meeting.

The Commission then forwards its written recommendations to the Mayor or the appropriate agency, board or commission, within 30

(business) days of the mailing of the notification. (It doesn't matter whether the ANC advice is in the form of a letter, resolution, or check box on an agency form. It has the same importance.) In some instances, Commission representatives appear in public hearings before such boards as the Alcoholic Beverage and Cannabis Board, the Zoning Commission, the Board of Zoning Adjustment, and the Historic Preservation Review Board to advocate on behalf of the position taken by the Commission. At such hearings, rules of procedure specific to those entities will apply, and Commissioners should become acquainted with these rules.

It is the practice of some of these boards and commissions, prior to hearing testimony from the Advisory Neighborhood Commission, to establish how the ANC's position was arrived at. Commission representatives should, therefore, be able to cite the time and place of the Commission's meeting where the recommendation was adopted.

The "Great Weight" Requirement

Besides the requirement for prior notification, the Advisory Neighborhood Commission system is based on an additional provision which involves the kind of response government must make to ANC recommendations. This is the "great weight" requirement. The law requires that all "District government entities" that are required to give ANCs prior notice of their actions must also, in most cases, give "great weight" to the recommendations the ANCs submit in response to their notices. (The Public Service Commission is a notable exception. They are required to give notice of applications for utility rate increases, but utility rates are not included in the ANC law as a topic triggering ANC great weight. This was most likely a drafting oversight rather than a result of policy determination.)

The great weight requirement is sometimes misunderstood to mean that the recommendation of an Advisory Neighborhood Commission must be binding on the decisions of government agencies, or that an ANC has

ANCs are usually, but not always, entitled to "Great Weight" any time an agency must give public notice of an action.

failed to receive great weight if the agency did not accept the ANC's recommendation. This is not the case, however. Agencies do not have to follow the ANC's recommendations. However, they must show that they paid attention to those recommendations and took them into account in a serious way before they made their decision.

Thus, one aspect of "great weight" is that the governmental entity must provide a written rationale for the decision made, including a discussion of the issues raised by the ANC. This provision has been cited in several court cases, including *Kopff v. D.C. Alcoholic Beverage Control Board*³⁷ and *Friendship Neighborhood Coalition v. D.C. Board of Zoning Adjustment*³⁸. In *Kopff* the court ruled that great weight means not only that an agency must show that it has paid attention to what the ANC said, but also that "the agency must articulate why the particular ANC itself, given its vantage point, does – or does not – offer persuasive advice under the circumstances."

In the 2000 amendment act, the Council codified the court's interpretation. It amended the ANC law to make it clear that the "great weight" requirement means that government entities must put in writing "the reasons why the Commission does or does not offer persuasive advice under the circumstances." By requiring that government agencies, boards, and commissions put their reasons in writing, the law gives citizens (but not the ANCs, themselves, who are barred from litigation) increased leverage to ask the courts to overturn decisions where ANCs have not truly been given great weight.

Great weight then, is best understood, not as a promise that ANC preferences will win out over the views of others, but rather that ANC advice is **guaranteed meaningful consideration** ("GMC").

Just as it is important to understand that not every government activity requires that ANCs be given prior notice, it is also important to know that ANCs are not entitled to receive great weight on every governmental action or proposed decision. It turns out that the ANC law is far more subtle than it appears at first reading.

For instance, the ANC law [DCOC 1-309.10(c)(1)] says that ANCs should be notified "*before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans,*

³⁷ 381 A.2d 1372, 1383-1385 (D.C. 1977)

³⁸ 403 A.2nd 291, 294-295 (D.C. 1979)

requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area . . .” It may appear from this quote that the Mayor or the Office of Planning must give ANC’s great weight when drafting the District’s Comprehensive Plan, but the Office of the Attorney General has advised that this is not the case. It is not the case because the law does not say that ANC’s should be notified about the Comprehensive Plan. Instead, it says that they should be notified before a “final policy decision is made with respect to . . . comprehensive plans . . .” and neither the Mayor nor the Office of Planning make the “final policy decision” regarding the Comprehensive Plan. That is something that the Council does after receiving the Mayor’s recommendation. While the Office of Planning might voluntarily give ANC’s great weight in reviewing ANC recommendations regarding the Comprehensive Plan, it is not *required* to do so. In 2020, the Council approved legislation that would require that ANC’s be given great weight before the Plan is submitted to the Council in the same manner as revenue bonds (*see* D.C. Law 23-198; D.C. Official Code § 1-309.10). However, the OCFO determined that the law was not sufficiently funded in accordance with its fiscal impact statement, and so it has yet to be implemented.

Besides responding to governmental proposals and notices, the Advisory Neighborhood Commissions may initiate proposals on their own. In this case, a specific timetable for the government to respond to the ANC is laid out in the law. It directs the agency that receives the ANC proposal to send an acknowledgement to the ANC within ten (10) days. It also directs the agency to send the ANC a status report within sixty (60) days. While the law requires agencies to acknowledge receiving an ANC’s proposals, unlike responses to agency requests for comment, the agencies are not required to give great weight to these *unsolicited* proposals. In other words, ANC’s are free to give any advice to an agency they wish, but the agency is not required to show they gave any consideration to the unsolicited advice.



How to Get “Great Weight” from the Zoning Commission and Board of Zoning Adjustment.

The Board of Zoning Adjustment (“BZA”) and the Zoning Commission (“ZC”) reports that it sometimes has difficulty giving ANC’s the great weight that they deserve., often finding that ANC reports still fail to meet the requirements.

The BZA and the ZC cannot give an ANC “great weight,” as defined in the ANC law, unless the ANC’s report includes reasons for the ANC’s recommendation. In other words, the report must say more than the ANC “supports” or “opposes” granting a variance or special exception. The report needs to say **why** the ANC is in favor or against an application.

In addition to explaining why the BZA or ZC should follow the ANC’s lead, the report must also include how many Commissioners are needed for a quorum, that a majority voted for the ANC position, and the date of the ANC meeting. Finally, the report must be signed by the Chairperson or Vice-Chairperson.

VI. MANAGEMENT OF AN ANC OFFICE

Establish Clear Rules

Most individuals who are elected to the Advisory Neighborhood Commission are surprised by how much work is involved, and how much information from government agencies needs to be digested and acted upon. This is the major reason Commissions have elected to rent office space and to hire staff.

While there are no hard and fast rules regarding how to run an office, this section presents some guidelines. Even if a Commission decides to establish its own rules for the management of its office, the important thing is that such rules need to be made and need to be clearly understood by everyone. Many of the managerial problems which ANCs have experienced in the past have come from the lack of explicit understanding of how their offices would be managed and what responsibilities would be assumed by staff.

Suggested Guidelines for Hiring Staff

Clearly, one of the most important decisions any Commission will make is in hiring staff. Although the staff persons for Commissions vary in title, by law, all staff for ANC Commissions serve at the pleasure of the Commission.

The rules and regulations governing taxes, Social Security, Workman's Compensation, and Unemployment Compensation are available from the OANC. All Commissions should understand these rules.

All decisions pertaining to the hiring, firing, and payment of compensation to staff must be made or confirmed in a public ANC meeting and recorded in the Commission's minutes in order to constitute the official actions of the Commission. (Prior to taking official action, an ANC may discuss personnel matters in a closed session.)

When a Commission is about to hire staff, it is important to consider what is expected of that staff member. Some Commissions only seek clerical help or someone to answer phones while other Commissions depend on their staff to draft correspondence, keep the ANC's financial books, prepare the meeting minutes, and do specialized research or represent them at hearings before the Zoning Commission, ABC Board, or the DC Council. Still others expect staff persons to play a major role in resolving constituent problems. Thus, their job titles may range from Office Assistant, Administrative Assistant, Office Manager, Staff Director, or Executive Director. To deal with these various expectations, and to avoid misunderstanding or conflict, the Commission should draft a job description which explicitly addresses them.

The job description should list the duties and responsibilities. It should also specify which officer or Commissioner is to be the immediate supervisor of the staff member. This supervisor is often, but not always, the Chairperson of the Commission. Chaos is likely to result if every Commissioner attempts to act as the staff person's "boss." *(You may obtain a sample of an ANC staff job description from the OANC.)*

The supervisor should be responsible for setting priority assignments and reviewing the assignments. The Commission should also authorize the supervisor to be responsible for reviewing and approving the staff timesheets, and to approve sick leave, annual leave, holidays, and compensatory time.

It is important to be very explicit with new staff concerning the timing and method of payment. The job description should deal with such matters as sick leave and compensatory time. It should also indicate whether the staff person will be paid by the hour or by the week or month. Furthermore, pay days should be specifically enumerated, or the day of the week or month on which pay days will fall should be explicitly stated, and whether the staff person is eligible for "comp" time. The rules should also make clear, for example, how leave and comp time may be carried over (or not carried over) from year to year.

Although the money to pay staff salaries ultimately comes from the DC Treasury, the people who work for ANCs are not DC government employees. They are ANC employees. Nevertheless, the DC code provides that they may be treated as if they were DC government employees for certain employee benefits. These include health

insurance, life insurance, and workers comp insurance. (*Contact the OANC for more information on these issues.*)

ANC Office Procedures

Advisory Neighborhood Commissions have a variety of ways of handling office functions, but the most successful Commissions are those that are explicit about their office procedures. Here are some of the items that should be addressed:

Constituent Services. When handling constituent complaints or requests, staff should make certain that the constituent is informed regarding the name, address, and telephone number of his or her Commissioner. Staff should attempt to help the constituent as much as possible but if the issue is not satisfactorily solved, staff should immediately inform the appropriate Commissioner. In any event, staff should always inform the Commissioners about constituents from their SMDs who have questions, complaints, or problems.

Incoming Mail. Each ANC office should have an explicit understanding about the disposition of each item of incoming mail. Staff should know if they are to inform each Commissioner by phone or forward the mail to his or her home or follow some other procedure. The Commission should determine if an index of incoming mail is needed to make sure that no item falls between the cracks.

If a staff person is not in charge of the mail, the Commission still needs to have a plan for handling the mail. This plan should say who will retrieve the mail (will the mail come to the ANC office, a post office box, or other address?), how often they will pick up the mail, and what they should do with it. Responsibility for handling the mail should be taken by one person. Shared responsibility often means no one is responsible.

Outgoing Mail. In a digital world, with information communicated electronically, it is relatively easy to ensure that outgoing communication is appropriately tracked. On the other hand, when assigned “hard copy”

correspondence, staff persons should make sure that one copy goes to the Commissioner who proposed or composed the letter, and two copies go to the Commission's files. One copy should go into a chronological file, and another in the appropriate topical or subject heading.

A shared responsibility may mean no one is responsible.

Commissions should regularly consider how easily constituents can reach them and if Commissioners are attending meetings.

ANC Self-Assessment Checklist

- Do we have a website or a social media presence that shares the Commission meeting date, location, and time?
- Are we publishing our phone (or Google voice) numbers for public use?
- Are we posting signs in public places (i.e., grocery store, corner store, lamp posts, apartment building community board, barber shop, hair salon) that list each Commissioners name, SMD, and contact information along with public meeting notice?
- At the meeting, have we requested language access assistance or ASL services?
- Have we selected a meeting location that is accessible to the elderly of those that use a wheelchair, walker, or other assistive device?
- Are we recording our meetings and are we posting the recordings for replay by the community?
- Are we allowing time on our meeting agenda for public comment?
- Are we discussing agency notices in our meetings? And, are we allowing the community an opportunity to weigh-in?

The ANC Law

Introduction

What is commonly referred to as “the ANC Act” is codified at D.C. Official Code § 1-309.01 *et seq.* (The former version of the Code was known as the “District of Columbia Code,” but it is now titled the “District of Columbia Official Code”.)

As the Code, itself, can be difficult to read and even more challenging to cite, this Handbook provides links to the sections of the ANC law. Be aware that the Code also departs from the rules of outlining that you might have learned in high school. For instance, in order to avoid having to re-number large sections of the Code after inserting a new section between existing sections, the new section will be given a special tag. Thus, a new section inserted between (a) and (b) will be denominated as (a-1).

The law has undergone two major overhauls as well as receiving a number of smaller tweaks.

The ANC Law is accessible through the following links:

- [§ 1-309.01. Purpose; definitions.](#)
- [§ 1-309.02. Advisory Neighborhood Commission areas.](#)
- [§ 1-309.03. Single-member districts.](#)
- [§ 1-309.04. ANCs – Petition required; established by resolution.](#)
- [§ 1-309.05. ANCs – Qualifications of members; nomination by petition.](#)
- [§ 1-309.06. ANCs – Election of members; term of office; vacancies; change in residency; resignation; removal.](#)
- [§ 1-309.07. ANCs – Determination of election winners.](#)
- [§ 1-309.08. Boundary changes.](#)
- [§ 1-309.09. Conduct of elections.](#)
- [§ 1-309.10. ANCs – Duties and responsibilities; notice; great weight; access to documents; reports; contributions.](#)
- [§ 1-309.11. ANCs – Meetings; bylaws governing operation and internal structure; officers; open meetings.](#)
- [§ 1-309.12. ANCs – Joint meetings; involvement of neighborhood groups; service area coordinators; service area manager; citizen’s advisory mechanism.](#)
- [§ 1-309.13. ANCs – Funds; audit of accounts; employees; financial reports; publications.](#)
- [§ 1-309.13a. Advisory Neighborhood Commissions Technical Support and Assistance Fund.](#)
- [§ 1-309.14. Advisory Neighborhood Commission Security Fund.](#)
- [§ 1-309.15. Office of Advisory Neighborhood Commissions; appointment of Executive Director.](#)

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Home Rule Act: ANCs

December 24, 1973 - 51 - Pub. Law 93-198 87 STAT. 824

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

Petition requirement.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof.

Elections. Administration.

(c) Each advisory neighborhood council—

Functions.

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

Notices.

Council expenses, funds, apportionment.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per \$100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

Employment guidelines.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

Legislative authority.

(g) The Council shall have authority in accordance with the provisions of this Act, to legislate with respect to the advisory neighborhood councils established in this section.

(h) The foregoing provisions of this section shall take effect only if agreed to in accordance with the provisions of section 703(a) of this Act.

Advisory Neighborhood Commission FY25 Allotments

ANC	Pop23	Percent	FY25 QUARTERLY ALLOTMENTS				
			Q1	Q2	Q3	Q4	FY2025
1A	20,502	2.97%	\$6,806.45	\$6,806.45	\$6,806.45	\$6,806.45	\$27,225.80
1B	18,790	2.72%	\$6,238.09	\$6,238.09	\$6,238.09	\$6,238.09	\$24,952.36
1C	17,563	2.55%	\$5,830.74	\$5,830.74	\$5,830.74	\$5,830.74	\$23,322.96
1D	14,318	2.08%	\$4,753.43	\$4,753.43	\$4,753.43	\$4,753.45	\$19,013.74
1E	14,112	2.05%	\$4,685.04	\$4,685.04	\$4,685.04	\$4,685.06	\$18,740.18
2A	18,658	2.71%	\$6,194.27	\$6,194.27	\$6,194.27	\$6,194.25	\$24,777.06
2B	18,477	2.68%	\$6,134.18	\$6,134.18	\$6,134.18	\$6,134.17	\$24,536.71
2C	6,841	0.99%	\$2,271.14	\$2,271.14	\$2,271.14	\$2,271.16	\$9,084.58
2D	2,829	0.41%	\$939.20	\$939.20	\$939.20	\$939.20	\$3,756.80
2E	15,676	2.27%	\$5,204.27	\$5,204.27	\$5,204.27	\$5,204.30	\$20,817.11
2F	14,921	2.16%	\$4,953.62	\$4,953.62	\$4,953.62	\$4,953.64	\$19,814.50
2G	12,083	1.75%	\$4,011.43	\$4,011.43	\$4,011.43	\$4,011.46	\$16,045.75
3A	9,958	1.44%	\$3,305.96	\$3,305.96	\$3,305.96	\$3,305.93	\$13,223.81
3B	12,004	1.74%	\$3,985.21	\$3,985.21	\$3,985.21	\$3,985.19	\$15,940.82
3C	15,778	2.29%	\$5,238.14	\$5,238.14	\$5,238.14	\$5,238.12	\$20,952.54
3D	13,472	1.95%	\$4,472.57	\$4,472.57	\$4,472.57	\$4,472.56	\$17,890.27
3E	15,431	2.24%	\$5,122.94	\$5,122.94	\$5,122.94	\$5,122.92	\$20,491.74
3F	12,449	1.81%	\$4,132.94	\$4,132.94	\$4,132.94	\$4,132.96	\$16,531.78
3/4G	14,563	2.11%	\$4,834.77	\$4,834.77	\$4,834.77	\$4,834.77	\$19,339.08
4A	14,217	2.06%	\$4,719.90	\$4,719.90	\$4,719.90	\$4,719.90	\$18,879.60
4B	20,315	2.95%	\$6,744.38	\$6,744.38	\$6,744.38	\$6,744.35	\$26,977.49
4C	13,962	2.02%	\$4,635.24	\$4,635.24	\$4,635.24	\$4,635.26	\$18,540.98
4D	15,957	2.31%	\$5,297.56	\$5,297.56	\$5,297.56	\$5,297.57	\$21,190.25
4E	11,855	1.72%	\$3,935.74	\$3,935.74	\$3,935.74	\$3,935.74	\$15,742.96
5A	17,557	2.55%	\$5,828.75	\$5,828.75	\$5,828.75	\$5,828.73	\$23,314.98
5B	14,009	2.03%	\$4,650.85	\$4,650.85	\$4,650.85	\$4,650.83	\$18,603.38
5C	14,602	2.12%	\$4,847.72	\$4,847.72	\$4,847.72	\$4,847.70	\$19,390.86
5D	17,058	2.47%	\$5,663.08	\$5,663.08	\$5,663.08	\$5,663.11	\$22,652.35
5E	12,225	1.77%	\$4,058.58	\$4,058.58	\$4,058.58	\$4,058.56	\$16,234.30
5F	14,166	2.05%	\$4,702.97	\$4,702.97	\$4,702.97	\$4,702.97	\$18,811.88
6A	13,931	2.02%	\$4,624.95	\$4,624.95	\$4,624.95	\$4,624.97	\$18,499.82
6B	18,239	2.65%	\$6,055.16	\$6,055.16	\$6,055.16	\$6,055.17	\$24,220.65
6C	14,444	2.09%	\$4,795.26	\$4,795.26	\$4,795.26	\$4,795.28	\$19,181.06
6D	16,459	2.39%	\$5,464.22	\$5,464.22	\$5,464.22	\$5,464.24	\$21,856.90
6E	16,902	2.45%	\$5,611.29	\$5,611.29	\$5,611.29	\$5,611.32	\$22,445.19
7B	17,479	2.53%	\$5,802.85	\$5,802.85	\$5,802.85	\$5,802.87	\$23,211.42
7C	19,012	2.76%	\$6,311.79	\$6,311.79	\$6,311.79	\$6,311.80	\$25,247.17
7D	19,672	2.85%	\$6,530.91	\$6,530.91	\$6,530.91	\$6,530.89	\$26,123.62
7E	13,635	1.98%	\$4,526.68	\$4,526.68	\$4,526.68	\$4,526.70	\$18,106.74
7F	15,887	2.30%	\$5,274.32	\$5,274.32	\$5,274.32	\$5,274.35	\$21,097.31
8A	14,287	2.07%	\$4,743.14	\$4,743.14	\$4,743.14	\$4,743.14	\$18,972.56
8B	13,790	2.00%	\$4,578.14	\$4,578.14	\$4,578.14	\$4,578.14	\$18,312.56
8C	16,073	2.33%	\$5,336.07	\$5,336.07	\$5,336.07	\$5,336.10	\$21,344.31
8D	16,330	2.37%	\$5,421.40	\$5,421.40	\$5,421.40	\$5,421.37	\$21,685.57
8E	18,033	2.62%	\$5,986.77	\$5,986.77	\$5,986.77	\$5,986.79	\$23,947.10
8F	11,024	1.60%	\$3,659.86	\$3,659.86	\$3,659.86	\$3,659.82	\$14,639.40
Totals	689,545		\$228,921.97	\$228,921.97	\$228,921.97	\$228,922.09	\$915,688.00

Examples of Some Allowable and Prohibited Expenditures for Advisory Neighborhood Commissions

Allowable Expenditures

Reimbursement of expenses in performance of official duties

Local travel

Light refreshments (cookies)

Consultant/contractual services

Legal representation of the ANC before an *administrative* agency

Purchase of computer equipment

Rent for meeting or office space

Grants

Grants to community groups for a “public purpose” within the ANC area

Office supplies, materials

Property Insurance

Staff salaries and benefits

Postage, telephones, or utilities

Printing and reproduction

Tree boxes

Public program on neighborhood history

Prohibited Expenditures

Compensation for a Commissioner’s services such as taking minutes

Out-of-town travel

Meals (sandwiches)

A “tip” for extra good service

Lawsuit by the ANC, or in support of litigation by others

Purchase of a motor vehicle

Contributions in place of rent

Contributions or gifts

Grants that duplicate existing government services

Party supplies

Life insurance

Staff commuting expenses

Partisan political activities

Tickets for benefit dinners

Funeral wreath or flowers

Dinner-dance celebration

THE EASTLAND ADVISORY NEIGHBORHOOD COMMISSION (ANC 9B)

Minutes of the Meeting of September 14, 2024

PLEASE NOTE: In compliance with Robert's Rules of Order Newly Revised, 12th Edition, §48, page 446, the minutes of Advisory Neighborhood Commission 9B are a record of the actions taken by the Commission, not a record of what people said during the meeting. Accordingly, comments made by commissioners or members of the public are not recorded in detail in the minutes.

The Commission convened at approximately 7:00 pm at 840 Zee Street NE. The following Commissioners attended the meeting: Tony Smith, Lynn Jones, Cary Carter, Laura Brubeck (chairing), and Richard Easton. Absent: Tina Thomas. Also, present: J. Stone (ANC staff).

A quorum was declared and determined by roll call at the beginning of the meeting, with 5 of 6 commissioners present and with one vacancy.

Chairperson Brubeck stated that the community received notice via listserv, the National Informer, ANC website, and e-calendar.

1. APPROVE JUNE & JULY MINUTES.

The Commission APPROVED (5-0) the minutes of the meeting of June 2024 as submitted with leave for the Secretary to make technical corrections. (Motion by Easton)

The Commission APPROVED (4-1) the minutes of the meeting of July 2024 with corrections with leave for the Secretary to make technical corrections. (Motion by Easton)

2. REPORTS (*Robert's Rules of Order* outlines that reports from officers, Boards and standing committees are after minutes approval)

a. Chairperson's Report.

Cm. Brubeck participated in a program that briefed Pepco employees about ANCs. During August she worked on the final details of the voluntary agreement with the Green Sparrow management.

b. Treasurer's Report.

Cm. Jones reported that the current ledger balance is \$2,345.69.

Cm. Jones presented the FY24 Q3 Quarterly Financial Report (third quarter FY24) and moved to approve the report. The report was approved unanimously.

c. Executive Director's Report.

Two items accounted for a large amount of ExD. Stone's time during the summer: (a) moving the ANC office into a new location in Harmony Church; and (b) representing the ANC in the Green Sparrow ABC license protest.

3. OLD BUSINESS

4. NEW BUSINESS

a. Friends of Eastland Towers.

As the representative of FET was not present, the ANC went to the next item.

a. Two River Development.

James Howard, managing director of Two-River Development, briefed the Commission on the current status of the development.

b. Sidewalk Transfer.

The Commission considered PR 22-78, which would return jurisdiction over the sidewalk along the entrance of the Heritage Museum back to the National Park Service. Finally, the Commission AGREED (5-0) to support the transfer. (Motion by Easton)

c. Crime Report.

ExD. Stone presented an analysis of the MPD Monthly Crime Statistics for the 9B area. The analysis showed crimes according to category, time of day, day of month, and location. The Commission and the audience then participated in a wide-ranging discussion of crime in the neighborhood and the city as a whole.

d. Green Sparrow Update.

Matt Haus, manager of the Green Sparrow, noted that the Cooperative Agreement with the ANC had been completed and filed with the ABC Board. He then commented briefly on the status of the other parties in the license protest. Cms. Easton and Jones also commented on the current status of the applicant's operations.

e. Budget Update.

ExD. Stone reported on the preliminary financial report for FY25 and the District government's method for determining each ANC's FY25 ANC allocation. He also reported on the ANC's new lease agreement with Harmony Church and answered questions.

f. Audience Comment.

Green Sparrow Operations. The Commission and members of the audience asked Matt Haus, manager of the Green Sparrow, about the facility's operations. The topics included the schedule, booking policy, employment policy, and marketing plan.

Hutton Place. Sallie White complained about the continuing problems on and around Douglas School, including the 1600 block of Hutton Place.

5. COMMUNITY CONCERNS. (This is required by D.C. Official Code 1-309.11(b)(1)(C)(3) but is not governed by Roberts Order of Business and can be anywhere on the agenda)

None were submitted in advance.

6. OTHER BUSINESS/COMMISSIONER CONCERNS/COMMUNITY CALENDAR.

Cm. Carter encouraged Commission and community participation in the Office of Planning's September 20th meeting.

Cm. Jones mentioned that the Central Alliance would again hold their annual yard sale.

The Commission adjourned at approximately 10:00 pm.

Prepared by J. Stone

Approved on: October 15, 2024

Attested by:_____

Some Frequently Asked Questions About Minutes

May a Commissioner who was not at the meeting vote on a motion to approve or correct the minutes?

There is nothing in *Robert's Rules of Order* ("Robert's Rules") that says a Commissioner had to be present at a meeting to vote on a motion to approve or correct the minutes. Nor is there anything to prevent that Commissioner from making the motion.

Must minutes be approved at the next meeting or may they be approved in a group at a later meeting?

Robert's Rules requires the minutes to be approved at the next regular meeting (RONR 48:12). It is also good practice for them to be drafted while events are still fresh and approved at the next meeting. Robert's Rules requires the minutes to be approved in chronological order (RONR 48:12). Some Commissions have found that creating a template for the minutes saves time and is expedient. A Few use a template for the agenda that can be expanded for the minutes. Failure to have final (approved) minutes filed with the Quarterly Financial Report can cause the delay or withholding of allotments.

Does this apply even if no one on the current Commission was at the previous meeting?

Yes. ANCs are continuing bodies. This means that activity is identified with the ANC as an institution, not with the specific Commissioners who composed it at a particular time. Thus, DC law requires Commissioners to approve a Quarterly Financial Report (QFR) (e.g. the Oct-Dec. quarter) even though they weren't in the office when the financial activity took place. Remember, minutes are required to document approval of the QFRs.

Once the minutes have been approved, can they be amended at a later meeting?

They can be corrected at any time that an error is found. If an error is discovered six months later, it is still in order to correct the minutes.

Can technical corrections be made to final (approved) minutes without a new vote from the Commission?

Yes, if the Commission voted to authorize the secretary to make technical corrections when the minutes were first approved. It is recommended that Commissions proactively authorize technical corrections when discovered.

Should insults or profanity be included in the minutes?

Minutes are neither a verbatim transcript nor a journalistic report of the meeting. It doesn't matter for the purposes of the minutes what kind of language is used; according to Robert's, the minutes are supposed to be a record of what was done, not what was said. The minutes should report what motions were made and whether they passed, not the arguments made by supporters or opponents.

If not verbatim, how much detail should be entered in the minutes?

Minutes should be detailed enough so that someone who did not attend the meeting knows what actions were taken. If an expenditure is made, the amount and purpose should be clear. If a Quarterly Financial Report is approved, it should contain the quarter and year. If a Resolution or Motion is passed without a written resolution/letter it should be clearly reflected in the minutes.

Must the minutes indicate who made and seconded each motion?

According to *Robert's Rules*, the Minutes should show only the maker of the motion, not the seconder of the motion. (Of course, each motion still must be seconded.)

Is it necessary to read the minutes aloud before they are approved?

No, it is not. If the minutes are distributed before the meeting, and they should be, it is not necessary to take time to have the minutes read aloud during the meeting.

Does a Commissioner have a right to insert comments in the minutes "for the record?"

No. A Commission may vote to do so, but there is no "right" to put comments into the minutes. As noted earlier, the minutes are a record of what is done at the meeting, not what is said.

Should minutes include questions and answers during reports?

No. Once again, the minutes are a record of what happens at the meeting, not what is said. It can be noted that Commissioners 'X' and 'Y' had questions or that Constituents raised questions.

Key Definitions of Legal Documents in the District of Columbia Government

Term	Definition
Bill	Proposal for a law introduced in Council by Councilmember(s) or by the Chairman at the request of the Mayor.
Engrossed Original	A bill that is passed by the Council at its 1 st reading.
Enrolled Original	A bill that has passed the Council at its 2 nd reading.
Act	A bill that has passed Council and has been signed by the Mayor.
(DC) Law	An Act that has cleared the thirty (30) legislative day review period in Congress; sixty (60) days for changes to the criminal code.
Public Law	Federal law passed by Congress and signed by the President. Some Public Laws, such as the Home Rule Act, apply specifically to the District of Columbia.
Emergency Acts	Bills that have passed Council and have been signed by the Mayor, but do not require Congressional review. They are in effect for ninety (90) days but require a “Declaration of Emergency” (spoken of as a “deck”) by the Council first.
Temporary Acts	Legislation that remains in effect for up to 225 days. Typically used to “bridge” the time between an emergency act and permanent legislation.
Resolutions	Council actions that do not require the Mayor’s signature. They (1) approve or disapprove rules or nominations; or (2) provide ceremonial recognition.
Notices	Announcements to the public about rulemaking, meetings, and proposed actions.
Proposed Rulemaking	Rules and regulations for a program that are proposed, published in the DC Register, with 30 days allowed for comments. Final Rulemaking rules and regulations for a program, when published in the DC Register, take effect immediately.
Orders	Binding directives by Mayor or the courts, instructing relevant parties on what actions must be taken.
Opinions	Written decisions by courts, the Attorney General, Auditor, various hearings examiners, boards and commissions that explain why an order is being issued. They contain (1) findings of fact, and (2) conclusions of law.

Frequently Asked Questions: Great Weight

Does “great weight” mean an agency must follow ANC advice?

No, it does not mean that. However, if an agency is required to give an ANC great weight, it must explain why it doesn't follow the ANC's advice if it decides not to do what the ANC recommends. It must also respond with precision and specificity to the issues and concerns raised by the ANC.

Does an agency have to give great weight to all ANC recommendations?

No, only certain recommendations. Great weight is tied to the requirement to give ANCs notice of agency actions. If the agency is required to give an ANC notice, it must give great weight to the ANC's reply. If an ANC offers unsolicited advice, on the other hand, the agency is only required to acknowledge receipt of the ANC's proposal in writing, but it is not required to give it great weight.

Does the government have to give ANCs notice of all permits and licenses?

No. The notice requirement is restricted to permits “of significance to neighborhood planning and development.” Thus, the Attorney General has written that the Department of Health doesn't have to notify ANCs when they issue asbestos abatement permits because the permits do not require hearings, and because they do not involve “neighborhood planning and development.” The Department of Consumer and Regulatory Affairs, on the other hand, is required to notify ANCs of construction and demolition because the law specifically [DCOC 1-309.10(c)(3)] requires them to do so. There may be questions in specific cases whether or not ANCs are entitled to notice, and thus whether they are due great weight.

Are individual Commissioners entitled to great weight?

No, they are not. Only the comments adopted by the full Commission with a majority vote at a properly noticed public meeting with a quorum of Commissioners present are entitled to great weight.

Can an ANC go to court if an agency does not give the ANC great weight?

Once again, the answer is no. ANCs at the present time are prohibited by law from “initiating legal action.” However, anyone living within the ANC's boundaries, including individual Commissioners in their roles as private citizens, may sue an agency for failing to give their ANC notice or great weight. This is because the courts have found that notice and great weight are rights given to the ANCs on behalf of their constituents not just to the ANCs. Their constituents therefore have a legal interest in making sure government agencies respect the ANC law.

If an agency doesn't have to follow ANC advice doesn't mean they can just ignore the ANC?

No, it doesn't. The essence of great weight is that ANCs are guaranteed meaningful consideration (“GMC”) of their advice. Agencies demonstrate that they have done this only when they can list the ANC's concerns and explain why they did or didn't accept each recommendation of the ANC.

Where can I find the legal definition of great weight?

See Section 1-309.10(d)(3)(A) and 1-309.10(d)(3)(B) of the DC Official Code.

Overview of ANC Meeting Procedures

1. Establish Quorum.

The Chairperson may begin the meeting by saying: *"There are ____ Commissioners present. We need ____ for a quorum. We have a quorum. We will now approve the agenda."*

The Chairperson may say this after looking around the meeting table, or, more formally, after asking the Secretary or staff person to call the roll. If the roll is not called, the minute-taker may simply record who was present or absent for inclusion in the minutes.

If there is not a quorum present at the time set for the meeting to begin, the Chairperson may announce that the Commission will sit and wait until more Commissioners arrive, or alternatively, that the Commission will begin hearing reports or presentations that do not require a quorum, e.g. the monthly police report, audience comment, or discussion of new or previously announced topics until there is a quorum. While the Commission may meet in this way, it cannot take any official action unless and until a quorum is present. (If a quorum is lost at anytime before the meeting is adjourned, the Commission's ability to take official action is also lost.)

2. Approve Agenda.

Although the Chairperson or the Executive Committee or Committee of the Whole may have distributed an agenda in advance, the agenda is not "live" until it is approved by the Commission. A formal vote, however, may not be needed. The agenda may be approved "without objection."

Thus, the Chairperson may say: *"Everyone should have a copy of the agenda. Are there any additions or deletions? Hearing none, the agenda stands approved as presented."*

3. Making Motions.

If a Commissioner wishes to change the agenda, by altering the order of the items, adding new items, or deleting something already there, they must make a motion by saying, "I move to [add, delete, or change something]"

The Chairperson should then ask: *"Is there a second?"*

If no one seconds the motion, it dies, and the Chairperson announces *"The motion dies for lack a second."*

Or: If someone does second the motion, the Chairperson says: *"The motion has been made and seconded. Is there any discussion?"*

The Commissioners now discuss the motion. Commissioners should wait, of course, to be recognized by the Chairperson.

After everyone has had a chance to speak, the Chairperson may say: *"If there is no further discussion, we can vote on the motion: All those in favor say 'aye.'* After a pause the Chairperson asks: *"All those opposed say 'nay.'" If it appears that not everyone voted, the Chairperson may ask, "Are there any abstentions?"*

If there were more "yeses" than "noes" the Chairperson announces, *"The 'ayes' have it. The motion passes."* Or: *"The 'nays' have it. The motion fails."* (Remember, it does not matter how many people voted "present" or abstained. As long as more Commissioners are in favor than against, the motion passes. Also, "present" is not a "vote.")

The "default" method for voting is by voice. However, if the voice vote was not clear, the Chairperson may ask for a hand vote. *"All those in favor please raise your hand."* The Chairperson, Secretary, or staff person should count aloud the number of raised hands. Then the Chairperson says, *"Now, all those opposed please raise your hand."* Now the raised hands are counted again.

When the counting is complete, the Chairperson announces, *"There were __ ayes and __ nays. If the yeses outnumber the noes, "The motion passes"* If there were more noes than yeses: *"The motion fails."*

Sometimes to avoid confusion, the Chairperson may ask Commissioners to stand instead of raising their hands.

Any Commissioner may also request a roll call vote. If this happens, the Chairperson says, *"A roll call vote has been requested. The Secretary (or staff person) will read the roll. When your name is called, please say 'aye' or 'nay.'"*

[The person conducting the roll call should call out the name of each Commissioner one at a time and then repeat their name and how they voted. For example, the Secretary says, *"Commissioner Jones."* Commissioner Jones replies 'aye,' (or 'nay'), the Secretary should then say, *"Commissioner Jones votes 'aye' (or 'nay')."*] as he or she records the vote.]

The results are then given to the Chairperson who announces, *"There are ___ ayes and ___ nays. The ayes have it, and the motion passes (or, "The nays have it, and the motion fails.")*

4. Amending Motions.

After a motion is made and seconded, another Commissioner may feel that something should be added to the motion, taken out of the motion, or that the motion be changed in some other way. Every Commissioner has the right to suggest a motion be changed. A motion is changed by making an "amendment." An amendment is just another motion and is handled in the same way as the first or original motion. However, **it is voted on before the original motion** is voted on.

The Chairperson says, *"Commissioner Jones has moved to amend the motion by adding (or removing, or changing) _____ to the motion. Is there a second?"*

If the motion is seconded, the Commission discusses the amendment and when the discussion is over, the Chairperson calls for a vote on the amendment. The vote may be by voice, by a show of hands, or roll call.

If the amendment passes the Chairperson says, *"The amendment carries. The amended motion now reads:* [if the change is complicated, the Chairperson may ask the person taking minutes to read the changed motion.] *The Commission now goes back to discussing the original motion in its amended form. The Chairperson asks: "Is there any further discussion?" "If there is no further discussion, we will vote on the*

amended motion." The Commission then votes on the motion in the manner described above. Remember, just because the Commission agreed to amend the original motion, it doesn't mean that the modified motion will also pass.

Friendly amendments. Sometimes a Commissioner will suggest a change that is either very minor or completely non-controversial. In such cases, the amendment will be regarded as though the maker of the motion had included it in the original motion, and no vote is required; the change is automatically incorporated in the original motion. It is called a "friendly amendment." If anyone objects to the "friendly amendment," however, it has to be treated like a regular amendment and voted on.

5. Routine Business.

For many routine, non-controversial motions, it is possible for the Chairperson to announce the motion has been approved without taking a formal vote.

- a) *Minutes.* When the Commission reaches the time for approval of the minutes, the Chairperson may ask: "***Are there any corrections to the minutes? Hearing none, the minutes stand approved as presented (or, with technical or spelling changes mentioned).***" If there are objections, the approval of the minutes is withheld until the Commissioners vote one way or the other on the objections. Finally, as long as the minutes are distributed to the Commissioners in advance of the meeting, it is not necessary for anyone to read the minutes aloud.
- b) *Non-controversial action.* If, for example, a representative from an outside group or government agency has given the ANC some requested information, the ANC might agree to send a letter of thanks. In such a case, the Chairperson might say, "***If there are no objections, we will send a thank you letter to _____.*** *Hearing none, the letter is approved.*" In these cases, the minutes should say something along these lines: "The Commission agreed without opposition to send a letter of thanks to [name of person being thanked]."

6. Adjournment.

When the agenda has been completed the Chairperson may ask for a motion to adjourn or may simply treat the ending of the meeting as a non-controversial item, and say, *“There being no further business (or “If there is no objection) the meeting is adjourned.”*

Number of Commissioners needed for a quorum depending on the size of ANC and the number of filled seats.

Vacancies	Number of SMDs										
	2	3	4	5	6	7	8	9	10	11	12
0	2	2	3	3	4	4	5	5	6	6	7
1	--	2	2	3	3	4	4	5	5	6	6
2	--	--	--	2	3	3	4	4	5	5	6
3	--	--	--	--	--	3	3	4	4	5	5
4	--	--	--	--	--	--	--	3	4	4	5
5	--	--	--	--	--	--	--	--	--	4	4
6+	No quorums are possible if there are 6 or more vacancies since no ANC currently has more than 12 SMDs.										

Note: An ANC may take official action only if a quorum is present. A quorum is a majority (i.e. more than half) of the Commissioners, provided that more than half of the SMDs are filled. [See D.C. Official Code § 1-309.11(b)(1)]

Using your ANC Parking Pass



OK

to park here.
Look for the words
“Official Government”

NO

Don't park here.
“Special” does *not* mean
“Official.”

In case you get a ticket while using your placard on official business please contact the OANC within 48 hours for assistance.

A Resolution on the Use of Resolutions

WHEREAS, Robert’s Rules of Order (hereafter “Robert’s”) says “[i]t should be emphasized that neither rule nor custom requires a resolution to have a preamble”; and

A-16

WHEREAS, Robert’s further advises that a preamble “should not be used merely for the sake of form”; and

WHEREAS, Robert’s also recommends that a preamble should be limited to special information needed to understand the resolution; and

Capitalize Ws
Capitalize 1st word
and & no comma
WHEREAS, The format of a resolution has set rules for the use of commas, semicolons, and periods, and capitalization of certain words; and
commas
indent
semicolon

WHEREAS, A resolution is merely a *written* motion (beginning with the word “resolved”) in contrast to a *spoken* motion; and

WHEREAS, A resolution carries no more authority than an official decision reported in a letter or some other way; and

WHEREAS, An ANC does not need to report its advice in a resolution format in order to receive great weight; and

WHEREAS, The belief that a motion must be written in an old-fashioned form with old-fashion words may discourage some from sharing their ideas; and

WHEREAS, It appears that DC government agencies often use “resolution” as a shorthand for “ANC official action”; and

WHEREAS, Explaining an ANC’s position continuously interrupted by “whereases” makes it harder to understand;

THEREFORE, BE IT RESOLVED, That the OANC recommends the use of narrative motions and letters instead of overly formal resolutions;

and
Use “and” for additional “Resolves”

BE IF FURTHER RESOLVED, That the OANC commends all who have read to the bottom of this page.

Note: Different organizations, e.g. Council, may use a somewhat different style for their resolutions. The style shown above is *Robert’s* in accordance with the ANC law. Although resolutions are discouraged for use in advising government agencies, ANCs may want to use them on certain ceremonial occasions such as when recognizing an individual for extraordinary achievement or upon their retirement.

<i>If you want:</i>	<i>Say:</i>	<i>Comments:</i>
The Commission to do something.	“I move that the ANC . . .”	The motion must be seconded.
To change part of a motion.	“I move to amend the motion by (adding/ deleting).”	If no one objects, the change may be considered a “friendly amendment” and be accepted without a vote.
“Kill” a motion.	“I move to postpone discussion indefinitely.”	This is typically (and incorrectly) called “tabling.”
Put something aside temporarily.	“I move to table (item) until (after item #)”	This motion moves something out of the way momentarily.
End the discussion and vote.	“Question.” Or, “I move the previous question.”	This is a motion that must be seconded and requires a 2/3 vote to pass.
To verify a voice vote.	“I call for a show of hands.”	No second required. A “matter of right” request. Technically called “division of the assembly.”
Have everyone’s vote recorded by name.	“I move for a roll call vote.”	Roll call is <u>not</u> a matter of right; it requires a 2 nd & vote.
Find out what the rules are for a particular motion..	“Point of parliamentary inquiry.”	Commissioners have the right to know what the rules are.
Have the meeting get back on track.	“I call for the orders of the day (or, the agenda.)”	It’s then up to the chairperson to take appropriate action.
Delay action until a future meeting.	“I move to postpone discussion on this item until (insert when).”	This is a motion to postpone to a definite time, such as the next meeting.
Protest something that has just happened in the meeting.	“Point of order.” (Once the chairperson recognizes you, explain the problem.)	This is a request to make sure the rules are being followed.
Take a short break.	“I move we recess for (state a time or item later in the agenda).”	This motion allows the ANC to take a brief time-out.
End the meeting.	“I move we adjourn.”	Allows the meeting to end before reaching the end of the agenda.
Overtake a decision by the chairperson.	“I appeal the ruling of the chairperson.”	Allows a majority to override a decision of the chairperson.
Take a second look at something already voted on.	“I move we reconsider (state the item).”	Must be made by someone on the “prevailing” side; is only made at the same meeting.
Undo a vote from a previous meeting.	“I move that we rescind the decision to . . . “	Nullifies a decision made at a previous meeting; must meet special rules.

Note: Some ANC bylaws may supersede some rules listed above.