

DIVISION I. GOVERNMENT OF DISTRICT
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D.C. Code § 1-207.42 (2013)

§ 1-207.42. Open meetings

(a) 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, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at such meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available, upon request, to the public at reasonable cost.

DIVISION I. GOVERNMENT OF DISTRICT
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PART A. GENERAL

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D.C. Code § 1-309.10 (2013)

§ 1-309.10. Advisory Neighborhood Commissions -- Duties and responsibilities; notice; great weight; access to documents; reports; contributions

(a) Each Advisory Neighborhood Commission ("Commission") may advise the Council of the District of Columbia, the Mayor and each executive agency, and all independent agencies, boards and commissions of the government of the District of Columbia with respect to all proposed matters of District government policy including, but not limited to, decisions regarding planning, streets, recreation, social services programs, education, health, safety, budget, and sanitation which affect that Commission area. For the purposes of this part, proposed actions of District government policy shall be the same as those for which prior notice of proposed rulemaking is required pursuant to § 2-505(a) or as pertains to the Council of the District of Columbia.

(b) Thirty days written notice, excluding Saturdays, Sundays and legal holidays of such District government actions or proposed actions, including (1) the intent to acquire an interest in real property, either through purchase or lease or (2) the intent to change the use of property owned or leased by or on behalf of the government, shall be given by first-class mail to the Office of Advisory Neighborhood Commissions, each affected Commission, the Commissioner representing a single-member district affected by said actions, and to each affected Ward Councilmember, except where shorter notice on good cause made and published with the notice may be provided or in the case of an emergency and such notice shall be published in the District of Columbia Register. In cases in which the 30-day written notice requirement is not satisfied, notification of such proposed government action or actions to the Commissioner representing the affected single-member district shall be made by mail. The Register shall be made available, without cost, to each Commission. A central record of all such notices shall be held by the Office of Advisory Neighborhood Commissions.

(c) (1) Proposed District government actions covered by this part shall include, but shall not be limited to, actions of the Council of the District of Columbia, the executive branch, or independent agencies, boards, and commissions. In addition to those notices required in subsection (a) of this section, each agency, board and commission shall, before the award of any grant funds to a citizen organization or group, before the transmission to the Council of a proposed revenue bond issuance, or before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by subsection (b) of this section. Each District of Columbia government entity shall maintain a record of the notices sent to each Commission pursuant to subsection (b) of this section.

(2) (A) The Alcoholic Beverage Control Board ("ABC Board") or its designee shall give notice to Advisory Neighborhood Commissions, the Office of Advisory Neighborhood Commissions, the Commission or Commissions representing the area within 600 feet of where the applicant's establishment is located, and the Commissioner representing an affected single-member district at least 45 calendar days prior to a hearing on applications for issuance or renewal of retailer's licenses, class A, B, C/R, C/T, C/N, C/H, C/X, D/R, D/T, D/N, D/H, D/X, and consumption licenses for clubs, or for transfer of a license of any of these classes to a different location. The ABC Board or its designee party shall give notice by first-class mail, posted not less than 5 calendar days prior to the first day of the 45-calendar-day notice period, and addressed to:

(i) The Commission office, with sufficient copies of the notice for distribution to each Commissioner;

(ii) The Chairperson of the Commission at his or her home address of record; and

(iii) The Commissioner in whose single-member district the establishment is located at his or her home address of record.

(B) In addition, the ABC Board shall provide to each Commission office, on a quarterly basis, a printed list of all Alcohol Beverage Control licenses due to expire in the ensuing 6 months. An Advisory Neighborhood Commission may object to the application in the manner set forth in § 25-115(c) and (e).

(3) The Department of Consumer and Regulatory Affairs shall ensure that each affected Commission, the Commissioner representing the affected single member district, the affected ward Councilmember, and the Office of Advisory Neighborhood Commissions is provided a current list at least twice a month of applications for construction, demolition, raze, and public space permits. The list may be provided by electronic or first-class mail; provided, that the notice to the affected Commission shall be by first-class mail unless the affected Commission agrees in writing to receive electronic mail notifications.

(4) The Office of Zoning shall ensure that each affected Commission, the Commissioner representing the affected single member district, the affected ward Councilmember, and the Office of Advisory Neighborhood Commissions is provided notice of applications, public hearings, proposed actions, and actions on all zoning cases. The notice may be provided by electronic or first-class mail; provided, that the notice to the affected Commission shall be by first-class mail unless the affected Commission agrees in writing to receive electronic mail notifications.

(d) (1) Each Commission so notified pursuant to subsections (b) and (c) of this section of the proposed District government action or actions shall consider each such action or actions in a meeting with notice given in accordance with § 1-309.11(c) which is open to the public in accordance with § 1-309.11(g). The recommendations of the Commission, if any, shall be in writing and articulate the basis for its decision.

(2) At the close of business of the day after which the notice period concludes as provided in subsection (b) or (c) of this section, the affected District government entity may proceed to make its decision.

(3) (A) The issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the government entity. Great weight requires acknowledgement of the Commission as the source of the recommendations and explicit reference to each of the Commission's issues and concerns.

(B) In all cases the government entity is required to articulate its decision in writing. The written rationale of the decision shall articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In so doing, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission. Further, the government entity is required to support its position on the record.

(C) The government entity shall promptly send to the Commission and the respective ward Councilmember a copy of its written decision.

(4) Oral testimony shall be followed as if provided in advance in writing as required by paragraph (1) of this subsection when accompanied within 7 days by written documentation approved by the respective Commission, which supports the testimony.

(e) Reserved.

(f) Each Commission may present its views to any federal or District agency.

(g) The Commission shall not have the power to initiate a legal action in the courts of the District of Columbia or in the federal courts, provided that this limitation does not apply to or prohibit any Commissioner from bringing suit as a citizen.

(h) (1) Each Commission may initiate its own proposal for District government action. The District government entity to which the proposal is made shall acknowledge the proposal in writing to the initiating Commission within 10 days of receipt of the proposal and shall issue a status report to the initiating Commission within 60 days of receipt.

(2) Any Commission may hold public hearings on requested or proposed government actions. Commissions may invite public witnesses from any executive or independent entity to testify before the Commission. Within 45 days of the close of the public hearing, the Commission may submit to the Council a report detailing the Commission's findings and recommendations to be included in any public record of the proposed government action.

(i) (1) Each Commission shall have access to District government officials and to all District government official documents and public data pursuant to § 2-531 et seq. that are material to the exercise of its development of recommendations to the District government.

(2) The Mayor shall provide to all Commissions, at no cost, current zoning and alcohol beverage control regulations, and any other regulations requested in writing by the respective Commission not available electronically, in order for Commissioners to adequately perform their responsibilities.

(j) (1) On or before November 30 of each year, each Commission may file an annual report with the Council and the Mayor for the preceding fiscal year. Such report shall include, but shall not be limited to:

(A) Summaries of important problems perceived by the Commission in order of their priority;

(B) Recommendations for actions to be taken by the District government;

(C) Recommendations for improvements on the operation of the Commissions;

(D) Financial report; and

(E) A Summary of Commission activities.

(2) Minority reports may be filed.

(k) Reserved.

(l) No Commission may solicit or receive funds unless specifically authorized to do so by the Council, except that receipt of individual contributions of \$ 1,000 or less need not be approved by the Council. No person shall make any contribution, nor shall a Commission receive any contribution from any person which, when aggregated with all other contributions received from that person, exceeds \$ 1,000 per calendar year. Each Commission shall file with its quarterly reports to the District of Columbia Auditor required pursuant to § 1-309.13(j) details of all contributions received during the relevant period of time.

(m) Each Commission shall monitor complaints of Commission area residents with respect to the delivery of District government services and file comments on same with the appropriate District government entity and the Council.

(n) Each Commission shall develop an annual fiscal year spending plan budget for the upcoming fiscal year within 60 days of notification of the amount of the Commission's annual allotment. Prior to adoption of the budget at a public meeting, the Commission shall present the budget at a public meeting of the Commission to elicit comments from the residents of the Commission area.

(o) Each Commission may, where appropriate, constitute the citizen advisory mechanism required by any federal statute (unless specifically prohibited by federal statute).

(p) Each Commission that adopts recommendations regarding legislation pending before the Council shall forward a copy of the recommendations to the Office of Advisory Neighborhood Commissions ("Office") and to the Secretary to

the Council within 14 days after adoption. The Office shall keep a publicly accessible file of all Commission recommendations submitted pursuant to this subsection.

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D.C. Code § 1-309.11 (2013)

§ 1-309.11. Advisory Neighborhood Commissions -- Meetings; bylaws governing operation and internal structure; officers

(a) Reserved.

(b) (1) Each Commission shall meet in public session at regular intervals at least 9 times per year at locations that are designed to reasonably accommodate the residents of the Commission area, depending on the issues to be considered by the Commission. The Commission may declare a quorum and take official action if a majority of single-member district Commissioners of the Commission is present, provided that a majority of the single-member districts have Commissioners on the Commission pursuant to § 1-309.06.

(2) To the extent possible, each Commission shall, at its first meeting of the calendar year, adopt a schedule of regular Commission meetings for the remainder of the calendar year. Each Commission shall, at its public meetings, consider and make recommendations on matters before the Commission that may include, but are not limited to, actions or proposed actions of the Council, the Mayor, executive branch agencies, or any independent agency, board, or commission.

(3) Each 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. Community views shall be adequately considered in positions taken by the Commission. Each Commission shall establish mechanisms to ensure the broadest dissemination of information with respect to Commission meetings, positions, and actions.

(c) Each Commission shall give notice of all meetings or convocations to each Commissioner, individuals with official business before the Commission, and residents of the Commission area no less than 7 days prior to the date of such meeting. Shorter notice may be given in the case of an emergency or for other good cause. Notice of regular and emergency meetings must include, but is not limited to, at least 2 of the following:

(1) Posting written notices in at least 4 conspicuous places in each single-member district within the Commission area;

(2) Publication in a city or community newspaper;

(3) Transmitting or distributing notice to a list of residents and other stakeholders in the community; and

(4) In any other manner approved by the Commission.

(d) Each Commission shall establish bylaws governing its operation and internal structure.

(1) These bylaws shall include the following:

(A) The geographic boundaries of the Commission area;

(B) A statement of Commission responsibilities;

(C) Voting procedures;

(D) The establishment of standing and special committees, including provisions for giving public notice of all committee meetings;

(E) The manner of selection of chairpersons and other officers;

(F) Presiding officers;

(G) Procedures for prompt review and action on committee recommendations;

(H) The use of the Commission office and supplies;

(I) Procedures for receipt of, and action upon constituent recommendations at both the single-member district and Commission levels; and

(J) Pursuant to § 1-309.13(c), the procedures for the filling of a vacancy in the office of treasurer.

(2) Said bylaws shall be consistent with the provisions of this part and other applicable laws and shall be a public document.

(3) An up-to-date copy of each Commission's bylaws and all amendments thereto shall be filed with the Council and the Office of Advisory Neighborhood Commissions within 30 days of any amendment to the bylaws.

(d-1) No Commission shall be entitled to incorporation, provided that no member of the Commission may be liable for action taken as an elected representative from a single-member district.

(e) (1) Each Commission shall elect from among its members at a public meeting of the Commission held in January of each year a Chairperson, vice-chairperson, secretary, and treasurer. Each Commission may also elect any other officers the Commission deems necessary. The Chairperson shall serve as convener of the Commission and shall chair the Commission meetings. The vice-chairperson shall fulfill the obligations of the Chairperson in the Chairperson's absence. The secretary shall ensure that appropriate minutes of Commission meetings are kept and that appropriate notice of Commission meetings is provided in accordance with subsection (c) of this section. The treasurer shall perform the duties provided for in § 1-309.13. The views or recommendations of each Commission shall only be presented by its officers, Commissioners, or representatives appointed by the Commission at a public meeting to represent the Commission's views on a particular issue or proposed action.

(2) (A) Removal of any officer shall be undertaken at a special Commission meeting.

(B) A special Commission meeting to remove an officer shall be called if at least one-half of the elected Commissioners request in writing that the Chairperson take such action. After the request is made, the Chairperson shall schedule the meeting to take place within 30 days of receipt of the request.

(C) The Chairperson shall preside over the meeting unless the vote will affect the Chairperson's own position. In that case, the vice-chairperson shall act as the presiding officer.

(D) Provided a quorum is present at the special Commission meeting called pursuant to subparagraph (B) of this paragraph, the vote of a majority of the Commissioners shall remove the officer from his or her office.

(3) Where not otherwise provided, the procedures of the Commission shall be governed by Robert's Rules of Order.

(f) Chairmanship of each Commission committee or task force shall be open to any resident of the Commission area. The chairperson of each such committee or task force shall be appointed by the Commission. Each Commission shall

make a good faith effort to involve all segments of the Commission population in its deliberations regardless of race, sex, age, voting status, religion, economic status, sexual orientation, or gender identity or expression.

(g) Each Commission, including each committee of a Commission, shall be subject to the open meetings provisions of § 1-207.42(a). No meeting may be closed to the public unless personnel or legal matters are discussed. Without limiting the scope of that section, the following categories of information are specifically made available to the public:

- (1) The names, salaries, title, and dates of employment of all employees of the Commission;
- (2) Final decisions of the Commission, including concurring and dissenting opinions;
- (3) Information of every kind dealing with the receipt or expenditure of public or other funds by the Commission;
- (4) All documents not related to personnel and legal matters;
- (5) The minutes of all Commission meetings; and
- (6) Reports of the District of Columbia Auditor.