

District of Columbia Official Code 2001 Edition
Division I. Government of District.
Title 1. Government Organization. (Refs & Annos)
Chapter 3. Specified Governmental Authority.
Subchapter V. Advisory Neighborhood Commissions.
Part A. General.

§ 1-309.01. Purpose; definitions.

(a)(1) Section 1-207.38 provides that the Council shall, by act, divide the District of Columbia into neighborhood commission areas and establish, for each such area, an Advisory Neighborhood Commission. Such § 1-207.38 was to be effective only if a majority of the qualified electors voting in the charter referendum voted for the establishment of the Advisory Neighborhood Commissions.

(2) In the charter referendum a majority of the qualified electors did vote to establish such Commissions, and it is the purpose of this part to implement the provisions of § 1-207.38.

(b) Repealed.

(c) For the purposes of this part, the term:

(1) "Board" means the District of Columbia Board of Elections and Ethics.

(2) "Commission" means Advisory Neighborhood Commission.

(3) "Emergency" means an action taken to immediately preserve the public peace, health, safety, welfare, or morals pursuant to § 2-505(c).

(4) "Gender identity or expression" shall have the same meaning as provided in § 1-1401.02(12A).

§ 1-309.02. Advisory Neighborhood Commission areas.

There are hereby established in the District of Columbia Advisory Neighborhood Commission areas, the boundaries of which shall be as depicted on the maps of the District of Columbia annexed to and made a part of this part.

References in Text

"Maps of the District of Columbia annexed to and made a part of this act," referred to in this section, are set forth in 22 DCR 2074 to 2081.

§ 1-309.03. Single-member districts.

(a) The Council shall, by act, establish single-member districts for each of the neighborhood commission areas in § 1-309.02. Such districts shall be established in a timely manner following the receipt of alternate plans from the ward task forces on Advisory Neighborhood Commissions, established by § 1-1041.01. Each single-member district shall have a population of approximately 2,000 people, and shall be as nearly equal as possible. The boundaries of the single-member districts shall conform to the greatest extent possible with the boundaries of the census blocks which are established by the United States Bureau of the Census. Each advisory neighborhood commission area shall be located to the greatest extent possible within the boundaries of 1 election ward. An advisory neighborhood commission area may be located within 2 election wards if the location results from the limitations of census geography or if the location promotes a rational public policy, including, but not limited to, respect for the natural geography of the District, neighborhood cohesiveness, or the development of compact and contiguous areas. Upon adoption of the act establishing such districts, the Council shall cause a description of the boundaries of each such district to be published in the District of Columbia Register.

(b) The Council shall, by act after public hearing by the Council's Committee of the Whole, make such adjustments in the boundaries of the Advisory Neighborhood Commission single-member districts and the Advisory Neighborhood Commission areas as are necessary as a result of population shifts and changes.

Such adjustments shall be made in a timely manner following the receipt of alternative plans from the ward task forces on Advisory Neighborhood Commissions, established by § 1-1041.01. Any adjustments made less than 180 days prior to a regularly scheduled election shall not be effective for that election.

Description of ANC 1D Boundaries

All streets are located in the Northwest quadrant Beginning at the corner of Klingle Road and Beach Drive; Northeast on Beach Drive to Piney Branch Parkway; Northeast on Piney Branch Parkway to the point it passes beneath 16th Street, South on 16th Street to Harvard Street; West on Harvard Street to the entrance of the National Zoological Park; West across the bridge at the entrance of the National Zoological Park to Rock Creek; North on Rock Creek to Klingle Road; Northeast on Klingle Road to Beach Drive.

[May 10, 2002, D.C. Law 14-133, § 2(a); Oct. 19, 2002, D.C. Law 14-213, § 2(f)]

Description of SMD 1D01 Boundaries

All streets are located in the Northwest quadrant. Beginning at the intersection of 18th Street and Newton Street; East on Newton Street to Brown Street; North on Brown Street to Oak Street; East on Oak Street to 16th Street; South on 16th Street to Monroe Street; West on Monroe Street to 17th Street; South on 17th Street to Lamont Street; West on Lamont Street to 18th Street; North on 18th Street to Newton Street.

[May 10, 2002, D.C. Law 14-133, § 2(a)]

Description of SMD 1D02 Boundaries

All streets are located in the Northwest quadrant. Beginning at the point where 16th Street passes over Piney Branch Parkway; South on 16th Street to Oak Street; West on Oak Street to Brown Street; South on Brown Street to Newton Street; West on Newton Street to 17th Street; North on 17th Street to Piney Branch Parkway; East on Piney Branch Parkway to the point of beginning.

[May 10, 2002, D.C. Law 14-133, § 2(a); Oct. 19, 2002, D.C. Law 14-213, § 2(g)]

Description of SMD 1D03 Boundaries

All streets are located in the Northwest quadrant. Beginning at the corner of Klingle Road and Beach Drive; Northeast on Beach Drive to Piney Branch Parkway; Northeast on Piney Branch Parkway to 17th Street; South on 17th Street to Newton Street; West on Newton Street to 18th Street; South on 18th Street to Lamont Street; West on Lamont Street to Adams Mill Road; Northwest on Adams Mill Road to Klingle Road; West on Klingle Road to Beach Drive.

[May 10, 2002, D.C. Law 14-133, § 2(a); Oct. 19, 2002, D.C. Law 14-213, § 2(h)]

Description of SMD 1D04 Boundaries

All streets are located in the Northwest quadrant. Beginning at the corner of 17th Street and Monroe Street; East on Monroe Street to 16th Street; South on 16th Street to Lamont Street; West on Lamont Street to Mount Pleasant Street; South on Mount Pleasant Street to Kenyon Street; West on Kenyon Street to 17th Street; North on 17th Street to Monroe Street.

[May 10, 2002, D.C. Law 14-133, § 2(a)]

Description of SMD 1D05 Boundaries

All streets are located in the Northwest quadrant. Beginning at the corner of Adams Mill Road and Lamont Street; East on Lamont Street to 17th Street; South on 17th Street to Irving Street; East on Irving Street to Mount Pleasant Street; South on Mount Pleasant Street to Hobart Street; West on Hobart Street to Irving Street; Northwest on Irving Street to Adams Mill Road; Northwest on Adams Mill Road to Lamont

Street.

[May 10, 2002, D.C. Law 14-133, § 2(a)]

Description of SMD 1D06 Boundaries

All streets are located in the Northwest quadrant. Beginning at Klingle Road where it passes over Rock Creek; East on Klingle Road to Adams Mill Road; Southeast on Adams Mill Road to Irving Street; Southeast on Irving Street to Hobart Street; Southeast on Hobart Street to Mount Pleasant Street; North on Mount Pleasant Street to Irving Street; West on Irving Street to 17th Street; North on 17th Street to Kenyon Street; East on Kenyon Street to Mount Pleasant Street; North on Mount Pleasant Street to Lamont Street; East on Lamont Street to 16th Street; South on 16th Street to Harvard Street; West on Harvard Street to the entrance of the National Zoological Park; West across the bridge at the entrance of the National Zoological Park to Rock Creek; Northwest on Rock Creek to Klingle Road.

[May 10, 2002, D.C. Law 14-133, § 2(a)]

§ 1-309.04. Advisory Neighborhood Commissions--Petition required; established by resolution.

(a) As soon as possible after October 10, 1975, but in no case later than 5 days after such date, the District of Columbia Board of Elections and Ethics (hereinafter in this part referred to as the "Board") shall:

(1) Make available to any resident of an Advisory Neighborhood Commission area copies of petition forms for collecting signatures of registered qualified electors in such area; and

(2) Publish in the District of Columbia Register and in at least 2 newspapers of general circulation in the District of Columbia, the number of registered qualified electors in each Advisory Neighborhood Commission area.

(b) Upon certification by the Board to the Chairman of the Council that 5 percent of the registered qualified electors of an Advisory Neighborhood Commission area have signed a petition calling for the establishment of an Advisory Neighborhood Commission in such area, the Council shall then establish by resolution a nonpartisan elected Advisory Neighborhood Commission for such area, with its members to be elected from the single-member districts established for such area. Nothing in this section shall be construed to permit an individual to sign more than 1 petition for the establishment of an Advisory Neighborhood Commission.

§ 1-309.05. Advisory Neighborhood Commissions--Qualifications of members; nomination by petition.

(a)(1) No person shall be a member of an Advisory Neighborhood Commission unless he:

(A) Is a registered qualified elector actually residing in the single-member district from which he was elected;

(B) Has been residing in such district continuously for the 60 days immediately preceding the day on which he files the nominating petitions as a candidate as such a member; and

(C) Holds no other elected public office.

(2) For the purpose of this subsection, the term "elected public office" means the Office of Mayor of the District of Columbia, Chairman or member of the Council of the District of Columbia, member of the District of Columbia Board of Education, and the Delegate to the House of Representatives.

(b)(1) Candidates for member of an Advisory Neighborhood Commission shall be nominated by a petition:

(A) Prepared and presented to the Board in accordance with regulations of the Board no later than the 60th calendar day before the date of the election in which he intends to be a candidate; and

(B) Signed by not less than 25 registered qualified electors who are residents of the single-member district from which he seeks election.

(2) Such petitions shall be made available by the Board no later than the 90th calendar day before an election for members of an Advisory Neighborhood Commission.

§ 1-309.06. Advisory Neighborhood Commissions--Election of members; term of office; vacancies; change in residency; resignation; removal.

(a) Following the initial elections of members of Advisory Neighborhood Commissions in November 1976, subsequent elections of such members occurred in November of odd-numbered calendar years through 1981. Beginning in 1984, general elections of members of Advisory Neighborhood Commissions shall take place on the 1st Tuesday after the 1st Monday in November of each even-numbered calendar year.

(b)(1) Each member of an Advisory Neighborhood Commission shall serve for a term of 2 years which shall begin at noon on the 2nd day of January next following the date of election of such member, or at noon on the day after the date the Board certifies the election of such member, whichever is later.

(2) Repealed.

(3) Each member of an Advisory Neighborhood Commission holding office at August 2, 1983, shall continue in office until noon on the 2nd day of January next following the date of the election provided for in paragraph (2) of this subsection.

(c) Repealed.

(d)(1) Whenever a vacancy exists in the office of a Commissioner, and the vacancy does not occur within the 6-month period prior to a general election, the vacancy shall be filled pursuant to paragraph (6) of this subsection. No vacancy shall be filled if it occurs within the 6-month period prior to a general election.

(2) For purposes of this section, a vacancy is deemed to exist upon the publication of a notice of the vacancy in the District of Columbia Register.

(3) Within 90 days of the date that the Board declares a vacancy, the members of the Advisory Neighborhood Commission where the vacancy exists shall fill the vacancy pursuant to paragraph (6) of this subsection.

(4) Each person appointed or elected to fill a vacancy shall meet the qualifications set forth in § 1-309.05(a).

(5) Each person appointed or elected to fill a vacancy shall serve until a successor has been certified and sworn in pursuant to subsection (b) of this section.

(6)(A) Within 5 days (excluding Saturdays, Sundays, and legal holidays) after the date that the Board declares a vacancy, the Board shall make available petitions for the purpose of obtaining the signatures of registered qualified electors within the affected single-member district.

(B) If petitions are not obtained by any registered qualified elector within the affected single-member district within 14 working days after the petitions have been made available, the Board shall recertify the vacancy by republishing the notice required by paragraph (2) of this subsection.

(C) Within 21 days of the date that the Board makes the petitions available, persons interested in filling the vacancy shall submit a petition to the Board that contains the signatures of at least 25 registered qualified electors within the affected single-member district. The Board, after a 5-working-day challenge period, shall transmit a list of the names of persons who qualify for membership on the affected Advisory Neighborhood Commission.

(D) If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person and the Board shall certify the filling of the vacancy by publication in the District of Columbia Register.

(E) If the Board transmits a list of qualified candidates containing more than one name, the affected Advisory Neighborhood Commission shall give notice at a public meeting that at the next regularly scheduled or special meeting there shall be an open vote of the qualified registered electors of the affected single-member district to elect a Commissioner. All registered qualified electors shall display their voter identification card or, alternatively, be listed as a voter in the affected single-member district on the voter registration list provided by the Board. The ballots shall be counted by at least 2 impartial vote counters. The results shall be read aloud by the Chairperson of the Advisory Neighborhood Commission, or alternatively, by such Commissioners as the Chairperson shall designate. In the event that the Chairperson is vacant, the results shall be read aloud by the Commissioner presiding over the meeting.

(F) After a vacancy has been filled pursuant to this subsection, the affected Advisory Neighborhood Commission shall transmit to the Board a resolution signed by 2 officers of the Advisory Neighborhood Commission that states the winner of the Advisory Neighborhood Commission single-member district election and requests that the Board declare the vacancy filled. The resolution shall also be sent to the following:

- (i) The Council;
- (ii) The Mayor; and
- (iii) The person appointed or elected by the Commission.

(G) The Board shall certify the filling of the vacancy by publication in the District of Columbia Register.

(e) Any member of an Advisory Neighborhood Commission who ceases to reside in the single-member district from which he or she is elected shall be considered to have resigned, and the office shall be declared vacant.

(f)(1) Any member of an Advisory Neighborhood Commission who resigns from the single-member district from which he or she is elected shall submit a letter of resignation to the Board of Elections and Ethics and a copy of the letter to the Council, the Mayor, the Office of Advisory Neighborhood Commissions, the Chairperson of the member's Advisory Neighborhood Commission, and the Vice Chairperson of the member's Advisory Neighborhood Commission. The Board of Elections and Ethics shall then declare the vacancy.

(2) When a vacancy occurs in an Advisory Neighborhood Commission and no letter of resignation is submitted as required by paragraph (1) of this subsection, the respective Advisory Neighborhood Commission shall petition the Board, by a resolution signed by the Chairperson and the secretary of the Advisory Neighborhood Commission, to declare the vacancy. The resolution shall be considered by the Advisory Neighborhood Commission at a special Advisory Neighborhood Commission meeting called for the purpose of considering the vacancy. Prior to the special Advisory Neighborhood Commission meeting, the Advisory Neighborhood Commission shall make a good faith effort to notify, in writing, the Commissioner who is the subject of the resolution. Notice of the meeting shall be sent by certified mail, return receipt requested, to the Commissioner no later than 15 days prior to the meeting, and shall provide that the Commissioner shall have an opportunity to rebut the alleged vacancy. The resolution, accompanied by minutes of the meeting at which the resolution was adopted and a list of those attending the meeting, shall be sent to:

- (A) The Board of Elections and Ethics;
- (B) The Council;
- (C) The Mayor; and

(D) The Commissioner, whenever the vacancy is due to removal or failure to continue the qualifications for office under § 1-309.05.

(3)(A) Any qualified elector may, within a 10-day period, challenge the validity of the resolution filed under paragraph (2) of this subsection, by a written statement duly signed by the challenger, filed with the District of Columbia Board of Elections and Ethics and specifying concisely the alleged defects in said resolution. A copy of the challenged statement shall be sent by the District of Columbia Board of Elections and Ethics to the Chairperson of the petitioning Advisory Neighborhood Commission.

(B) The District of Columbia Board of Elections and Ethics shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged resolution not more than 30 days after the challenge has been filed. Within 3 days after the announcement of the determination of the District of Columbia Board of Elections and Ethics with respect to the validity of the resolution, either the challenger or the affected single-member district commissioner may apply to the District of Columbia Court of Appeals for a review of the reasonableness of such determination.

(C) The District of Columbia Court of Appeals shall expedite consideration of the determination. The decision of such Court shall be final and not appealable.

(D) If the resolution is found to be valid, then the District of Columbia Board of Elections and Ethics shall declare the vacancy.

(4) Any member of an Advisory Neighborhood Commission may resign prospectively by submitting an irrevocable letter of prospective resignation to the Board, with copies to the Council of the District of Columbia, the Mayor, and the Chairperson of the member's Advisory Neighborhood Commission. The letter shall be sworn, state that it is irrevocable, and give the date that the resignation shall become effective. The resignation shall become effective not more than 60 days following receipt of the letter by the Board. Upon receipt of such letter the Board shall declare the prospective vacancy and proceed to fill it as provided in subsection (d) of this section.

(5) The Board shall have the authority to declare and certify a vacancy on its own initiative, without regard to paragraphs (1) or (2) of this subsection, when:

(A) The office of a Commissioner remains vacant after a general or special election; or

(B) The Board determines, through its established procedures for the maintenance of the voter registration roll, that a Commissioner is no longer a registered qualified elector actually residing in the single-member district from which the Commissioner was elected.

(g) Repealed.

(h)(1) The Board shall maintain a list of the names, a current telephone number, and home addresses of all members of the Advisory Neighborhood Commissions, and shall share that list on a monthly basis with the Office of Advisory Neighborhood Commissions established in § 1-309.15.

(2) The Board shall not release the social security numbers of Commissioners.

(3) This list shall be published at least semiannually in the District of Columbia Register. This list shall also be provided by the Office of Advisory Neighborhood Commissions established in § 1-309.15, to the Alcohol Beverage Control Board, the Historic Preservation Review Board, the Redevelopment Land Agency, the Zoning Commission and the Board of Zoning Adjustment, and to any other District government entity that requests it.

(4) Any change, which may be due to resignation, election, moving, or for any other reason, shall be reported when it occurs by the Office of Advisory Neighborhood Commissions to the Alcohol Beverage Control Board, the Historic Preservation Review Board, the Redevelopment Land Agency, the Zoning Commission, the Board of Zoning Adjustment, and to any other District government entity that requests it.

§ 1-309.07. Advisory Neighborhood Commissions--Determination of election winners.

The candidate in each single-member district receiving the highest number of votes cast in such election shall be declared the winner, except that in the case of a tie the procedures set forth in § 1-1001.10(c) shall govern.

§ 1-309.08. Boundary changes.

(a) Petitions for changes in the boundaries of an Advisory Neighborhood Commission area or single-member district within any such area may be filed with the Council of the District of Columbia during the month of January of the year in which elections for Advisory Neighborhood Commissions are to be held. Such petitions must be signed by at least 5 percent of the registered qualified electors of such Advisory Neighborhood Commission area.

(b) Upon certification by the Board to the Chairman of the Council that 5 percent of the registered qualified electors of an Advisory Neighborhood Commission have signed such a petition, the Council shall, after public hearing, accept or reject such petition.

(c) The Council shall accept or reject such a petition within 3 months after its receipt.

§ 1-309.09. Conduct of elections.

(a) The Board is authorized to conduct the elections provided for in this part and to adopt, amend, repeal, and enforce such regulations as are deemed necessary to carry out the provisions of this part. The Board shall conduct such elections in the same manner as elections held under subchapter I of Chapter 10 of this title.

(b) For the purposes of this part, the term "registered qualified elector" means a qualified elector, as defined in § 1-1001.02, registered under § 1-1001.07.

§ 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).

§ 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;
- (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 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.

§ 1-309.12. Advisory Neighborhood Commissions--Joint meetings; involvement of neighborhood groups; service area coordinators; service area manager; citizen's advisory mechanism.

(a) Commissions may meet jointly either formally or informally to deal more effectively with or respond to common issues and concerns. A Commissioner of an individual Commission may represent and participate in a formal joint meeting only after the individual Commission has authorized the participation of the Commission in the joint meeting. For any official action taken in a formal joint meeting, the Commission shall specify in a resolution the scope of any individual Commissioner's participation. Action taken by individual Commissioners in an informal joint meeting shall follow the general direction of the Commission.

(b) Each Commission may involve representatives of other neighborhood groups in the work of its standing or special committees.

(c) The Mayor shall appoint a service area coordinator for each ward who shall act as the chairperson of the service area committee in that ward and shall coordinate all District government services at the ward level to residents of the ward. The head of each District government department or agency that delivers services at the ward level shall appoint a service area manager who shall oversee the day-to-day operations of the department or agency within the ward and shall represent that department or agency on the service area committee of that ward. The service area coordinators and managers shall work closely with the Commissions in their service area ward and shall provide them with any technical assistance necessary to the performance of their duties and responsibilities.

(d)(1) The Council may assist the individual Commissions in the following areas:

- (A) Dispute resolution between the entities of the District government and the individual Commissions to facilitate the advisory process;
- (B) Providing the training to Commissioners with respect to the procedures and content of District laws, including, but not limited to, laws governing zoning and licenses to sell alcohol; and
- (C) Any other assistance necessary and feasible to enable the Commissions to perform their statutory duties.

(2) The District of Columbia Auditor shall provide assistance to the Commissions in the following areas:

- (A) Review of quarterly financial reports to ensure compliance with current law;
- (B) Monitoring of Commission expenditures and responses to inquiries from individual Commissions on the legality of proposed actual expenditures; and
- (C) Training of Chairpersons and treasurers regarding required financial reports and submissions.

(3) The Mayor shall provide assistance to the Commissions in the following areas:

- (A) Legal interpretations of statutes concerning or affecting the Commissions, or of issues or concerns affecting the Commissions. These interpretations are to be obtained from the Corporation Counsel and may be requested directly by any Commission;
- (B) Liaison efforts between the individual Commissions and District government entities to ensure responsiveness to Commission requests and compliance with current law;
- (C) Provision of government-owned or leased office space to any requesting Commission pursuant to § 1-309.13(q);
- (D) Within 180 days of June 27, 2000, issue regulations to provide parking privileges for Commissioners while on official business; and
- (E) Any other assistance necessary to ensure that a Commission is able to perform its statutory duties.

(e) Whenever a District government entity is required to establish a citizen's advisory mechanism,

appointments to that mechanism shall be made in such a manner as to ensure as far as possible the equal representation on the mechanism of each electoral ward, provided that, members of the advisory mechanism possess skills relevant to the tasks for which the advisory mechanism was established and, in the event that the size of the advisory mechanism requires the appointment of more than one person per ward, ward appointments shall be made in such a manner so as to ensure as far as possible a fair representation of each Commission area.

(f) Each executive and independent agency, board, and commission of the District of Columbia and the Council shall assign an individual to act as an Advisory Neighborhood Commission Liaison who will serve as the primary contact for all Commissioners conducting official business with said government entity. The Office of Advisory Neighborhood Commissions shall maintain a list of the Liaisons.

§ 1-309.13. Advisory Neighborhood Commissions--Funds; audit of accounts; employees; financial reports; publications.

(a) Each Commission shall receive an annual allocation pursuant to § 1- 207.38 to be distributed quarterly during the fiscal year, except that if the District's appropriations act for the fiscal year has not become effective at the beginning of the fiscal year, each Commission shall receive its first quarterly allocation for the fiscal year if and when a continuing resolution is adopted by the Congress of the United States.

(b)(1) Each Commission shall by resolution designate a commercial bank, savings and loan association, credit union, or any combination thereof, which is insured by the government of the United States pursuant to 12 U.S.C. § 1811 et seq. and which is located within the District of Columbia, as a depository of all funds received by the Commission.

(2) Each Commission shall request a District of Columbia Tax Identification Number and include the phrase "District of Columbia Government" in each account name within 90 days after June 27, 2000.

(3) Each Commission shall establish no more than one checking or negotiable order of withdrawal account. The Commission may deposit into any savings account created pursuant to this section funds not immediately needed for the operation of the Commission.

(c) The treasurer of each Commission shall file with the Office of the District of Columbia Auditor ("Auditor"), within 30 days of assuming the office of treasurer or within 30 days of any change in the requested information, on a form provided by the Auditor, a statement that includes the treasurer's name, home and business address and telephone number, the location of the books and records of the Commission and the name and location of any depository of the Commission's funds, including account numbers. The treasurer and Chairperson shall file with the Auditor and maintain in force during their occupancy of their respective offices, a cash or surety bond in an amount and on a form satisfactory to the Auditor. Participation by a Commission in the Advisory Neighborhood Commission Security Fund established by § 1-309.14 shall satisfy the requirement of a cash or surety bond. The bylaws adopted by each Commission shall include a provision for filling in a timely manner a vacancy in the office of treasurer from among the remaining Commissioners. No expenditure shall be made by a Commission during a vacancy in the office of treasurer or at any time when a current and accurate statement and bond or its equivalent are not on file with the Auditor.

(d)(1) The Auditor shall audit the financial accounts of selected Commissions and maintain a database of financial information of each Commission for historical and expenditure trend analysis. The Auditor shall produce and submit to the Council a consolidated annual report of the financial activity of all the Commissions.

(2) The Auditor may audit the financial accounts of a Commission, at the discretion of the Auditor, upon the request by a member of the Council or a Commissioner of the Commission for which an audit is requested. The findings and recommendations of any audit shall be forwarded to the affected Commission, the Council, the Mayor, the Office of Advisory Neighborhood Commissions, the Office of the Inspector General, the Corporation Counsel, and any other law enforcement agency with jurisdiction over alleged improper conduct.

(3) In a case in which an Auditor's report details a violation of this part, the affected Commission shall, within 90 days, provide in writing to the Auditor, its response to each of the alleged infractions. If the audited Commission fails to respond within 90 days, its next scheduled quarterly allotments shall be forfeited until the response has been filed.

(e) Each Commission shall, by resolution, designate the location at which the Commission's books and records shall be maintained which shall, if the Commission has a regular office, be the Commission office. The Auditor shall have access to the books and records of each Commission pursuant to § 1- 204.55(c), and may issue subpoenas to banking and financial institutions requiring the production of financial documents and statements pursuant to an audit conducted under this part. Such financial documents shall include, but not be limited to, bank statements, canceled checks, and signature cards. The Auditor may apply to the Superior Court of the District of Columbia for an order enforcing the subpoena. Any failure to obey the order of the court may be punished by the Superior Court as civil contempt.

(f)(1) Any expenditure of funds by a Commission shall be recorded by the treasurer in the Commission's books of accounts. No expenditure of any amount shall be made without the specific authorization of the Commission. The depository in which the Commission maintains a checking account shall be immediately notified of any change in Commission officers.

(2)(A) An expenditure made by check shall:

- (i) Be signed by at least 2 officers of the Commission, one of whom shall be the treasurer or Chairperson;
- (ii) Be pre-numbered;
- (iii) Be issued in consecutive order; and
- (iv) Bear the name of the Commission and "District of Columbia Government" on its face.

(B) Before signature, the check shall contain the:

- (i) Date of payment;
- (ii) Name of the payee; and
- (iii) Amount of the payment.

(C) No check may be made payable to cash.

(3) A Commission may provide reimbursement for an authorized purchase made with a personal credit card, debit card, or cashier's check that is documented with a receipt, a copy of which shall be submitted to the Commission.

(g) Disbursements of Commission funds exceeding \$50 for personal service expenditures shall be specifically approved by the Commission at a public meeting prior to the disbursement. The approval shall be recorded in the minutes of the Commission meeting. Any personal services payment shall name the person who is to receive the payments, the rate of compensation, and the maximum hours of service, if less than full-time compensation. If an expenditure is made without the required authorization of the Commission, the expenditure shall be deemed to be a personal expense of the Commissioner who authorized the payment, unless the Commission subsequently approves the expenditure within 90 days. If the Commission fails to approve the expense within 90 days, the Corporation Counsel, upon notification by the Auditor, shall institute any actions necessary to recover Commission funds.

(h) Each Commission may establish a petty cash fund not to exceed \$200 at any one time in accordance with procedures established for imprest funds by the D.C. Controller. The fund shall be reimbursed by the treasurer upon presentation of appropriate supporting documents. The treasurer may disburse to another Commissioner or employee of the Commission an amount not in excess of \$200 for authorized Commission expenditures through a Commission-established petty cash fund. A record of disbursements from the petty cash fund shall be kept by the treasurer in a manner consistent with other accounts of the Commission.

(i) A Commission shall maintain its accounts on a fiscal year basis beginning October 1 and ending the following September 30.

(j)(1) The treasurer of a Commission shall prepare a quarterly financial report on a form provided by the Auditor. The financial report shall be presented to the Commission for its consideration at a Commission

meeting within 45 days after the end of the quarter. A copy of the approved financial report, signed by the Chairperson, the secretary, and the treasurer, shall be filed, along with a record of the vote adopting the report, with the Auditor within 15 days of approval. Each quarterly report shall include copies of canceled checks, bank statements, grant request letters and grant disbursements, invoices and receipts, executed contracts, details about all contributions received during the time period covered by the quarterly report, the minutes of all meetings indicating the Commission's approval of disbursements during the time period covered by the quarterly report, and certification of the Commission's approval of the quarterly report signed by the Commission's Secretary. The Commission shall make available for on-site review to the Auditor, upon the Auditor's request, originals of documents required to be submitted with quarterly financial reports pursuant to this section. A financial report shall be available for public inspection during the normal office hours of the Commission.

(2) No quarterly allotment shall be forwarded to a Commission until all reports of financial activity for the quarters preceding the immediate previous quarter are approved by the Auditor. If a Commission fails to file 3 consecutive quarterly reports that meet the requirements of paragraph (1) of this subsection, it shall relinquish its checkbook to the Auditor, whose permission will be needed for any expenditure made by check until the Commission files the required financial reports. The Mayor, upon the request of the Auditor, may issue official instructions to any pertinent banking institution to freeze accounts held by a Commission that has not complied with this paragraph.

(3) If, on the last day of the fiscal year, a Commission has not received a quarterly allotment because it failed to file a quarterly report approved by the Auditor, the Commission shall forfeit the unclaimed allotment or allotments and the funds shall be returned to the District's General Fund.

(k) Reserved.

(l)(1) A Commission shall expend funds received through the annual allocation received pursuant to subsection (a) of this section, or other donated funds, for public purposes within the Commission area or for the functioning of the Commission office, including staff salaries, Commissioner training, property liability insurance, and nominal refreshments at Commission meetings. Expenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to subsection (m) of this section. A Commission may expend its funds for Commissioner training on subjects pertaining to their official duties when such training is not available from government sources. A Commission may expend its funds to purchase insurance or obtain indemnification against any loss in connection with the assets of the Commission or any liability in connection with the activities of the Commission, such insurance or indemnification to be purchased or obtained in such amounts and from such sources as the Commission deems to be appropriate. Funds may be used to pay the local transportation expenses of a Commissioner if the Commissioner is officially representing the Commission or a committee of the Commission at public hearings or meetings or is engaged in official Commission business.

(2) Funds allocated to the Commissions may not be used for a purpose that involves partisan political activity, personal subsistence expenses, Commissioner compensation, meals, 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.

(m)(1) A grant may not be awarded unless the grant is awarded pursuant to a vote of the Commission at a public meeting following the public presentation of the grant request. A Commission may approve grants only to organizations that are public in nature and benefit persons who reside or work within the Commission area. The services provided by the grantee organization must not be duplicative of any that are already performed by the District government.

(2) An applicant for a grant must submit an application in writing to the Commission. The application shall contain:

(A) A description of the proposed project for which the grant is requested;

(B) A statement of expected public benefits; and

(C) The total cost of the proposed project, including other sources of funding, if any.

(3) Within 60 days following the issuance of a grant, the grant recipient shall forward to the Commission a statement as to the use of the funds consistent with the grant application, complete with receipts which support the expenditures.

(4) Grant disbursements shall be included in quarterly financial reports submitted to the Auditor.

(n) The Mayor may, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(o) A Commission may employ any person necessary to provide administrative support to the Commission. A Commission shall establish position descriptions for employees that shall, at a minimum, broadly identify the qualifications and duties of the employees. A Commission employee shall serve at the pleasure of the Commission. An employee of the Commission shall be considered an employee of the District of Columbia government for the purposes of subchapters XXI, XXII, and XXIII of chapter 6 of Title 1. Except for out of pocket expenses approved by the Commission, Commissioners shall not be compensated for personal services rendered on behalf of the Commission.

(p) Any Commissioner within an individual Commission shall have equal access to the Commission office and its records in order to carry out Commission duties and responsibilities. Moreover, any person has a right to inspect, and at his or her discretion, to copy any public record of the Commission, except as otherwise expressly provided by § 2-534, in accordance with reasonable procedures that shall be issued by the Commission after notice and comment concerning the time and place of access.

(q) Upon the request of a Commission, evidenced by a properly adopted resolution signed or transmitted by the Chairperson and secretary, the Mayor shall provide that Commission with suitable office space in a District-owned or leased building. The Mayor shall acknowledge receipt of the resolution within 15 days and shall provide the Commission with a list of available office space within 45 days thereafter. The space shall be a minimum of 250 square feet and shall be the sole office of the Commission. The space shall be located within the Commission's boundaries. If no such space is available, then the space shall be located within the ward boundaries of the Commission. If District-owned or leased office space cannot be provided, the Mayor may seek to reprogram funds up to \$600 per month to cover the rental of office space for the respective Commission. Furnishings, equipment, telephone service, and supplies for the office space shall be provided from the Commission's funds. There shall be a written lease between the Mayor or District agency and the Commission, which shall specify what operating costs, such as utilities, janitorial services, and security, shall be paid by the Commission.

§ 1-309.14. Advisory Neighborhood Commission Security Fund.

(a) There is established, for the purpose of insuring Advisory Neighborhood Commissions against unauthorized expenditures or loss of funds, an Advisory Neighborhood Commission Security Fund ("Fund") to be held in the custody of a Board of Trustees ("Trustees") composed of the Secretary of the District of Columbia, the General Counsel to the Council of the District of Columbia, and the District of Columbia Auditor. The Executive Director of the Office of Advisory Neighborhood Commissions shall serve as a non-voting Trustee. The Trustees shall have exclusive authority and discretion in its fiduciary capacity to manage and control the Fund. The Fund shall not be held liable for any loss as the result of an expenditure authorized by a vote of a Commission.

(b) Each Advisory Neighborhood Commission may become a participant of the Fund upon payment to the Fund of an annual contribution at the beginning of the fiscal year in an amount to be determined by the Trustees. A Commission shall be eligible to participate in the Fund if the treasurer and the Chairperson of the Commission agree, on a form to be provided by the Trustees, to be personally liable to the Fund for any sum paid out by the Fund as a result of the treasurer or Chairperson's wrongful misappropriation or loss of Commission monies.

(c) If, in any fiscal year, the Trustees determine that there are sufficient assets in the Fund to cover

reasonably expected losses, the Trustees may waive or delay monetary contributions for any Commission that made a contribution in the most recent fiscal year for which the Fund required a contribution.

(d) If a participating Commission suffers a monetary loss that may be reimbursed by the Fund, the Commission may request reimbursement upon a written application form provided by the Trustees. The application form shall be signed by a majority of the members of the participating Commission on a form provided by the Trustees. The Trustees shall consider the request at a public meeting held in accordance with § 2-504. Notice of the meeting shall be published in the District of Columbia Register no later than 30 days prior to the meeting and shall be sent by registered mail to the Chairperson of the Commission and the treasurer of the Commission at the time that the loss was incurred.

(e) Assets of the Fund shall be held in an interest bearing account located in the District of Columbia.

(f) The Fund shall publish an annual financial report in the District of Columbia Register no later than 90 days after the end of each fiscal year.

§ 1-309.15. Office of Advisory Neighborhood Commissions; appointment of Executive Director.

(a) There is hereby established an Office of Advisory Neighborhood Commissions ("Office") to provide technical, administrative, and financial reporting assistance to the Advisory Neighborhood Commissions. Subject to appropriations beginning in Fiscal Year 2001, the Office shall be funded by an annual budget allocation. The Office is intended to support the efforts of Advisory Neighborhood Commissions and is not empowered to direct or supervise the actions of Commissions.

(b) The Office shall be headed by an Executive Director who shall be appointed by the Council.

(c) Funds may be transferred from the Office of Advisory Neighborhood Commissions through an intra-District transfer for the operations of the Office.