



April 18, 2019

Meridith H. Moldenhauer

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Frederick L. Hill, Chairperson
Board of Zoning Adjustment
441 4th Street, NW, Suite 200S
Washington, DC 20010

**RE: BZA Case No. 19660
Applicant's Update on Community Outreach to ANC 5C**

Chairperson Hill and Honorable Members of the Board:

On behalf of MCF 1400 Montana, LLC and MCFI Limited Partnership (collectively, the "Applicant"), below is an update on the Applicant's community outreach efforts in advance of the Board's hearing on May 1, 2019.

I. Community Outreach Since April 3rd Hearing

During the April 3rd hearing, over the objections of the Applicant, the Board granted the postponement request of ANC 5C (the "ANC") for the specific purpose of allowing the ANC an opportunity to put the Applicant and the subject project on its agenda for its normally scheduled public meeting on April 17th.¹ At the BZA hearing, SMD Commissioner Williams indicated she would host an SMD community meeting on April 10th.

After the Board's hearing on April 3rd, the Applicant immediately emailed SMD Commissioner Williams to confirm that the Applicant, its architect and counsel would provide additional community presentations at the "SMD Meeting" on April 10th as well as the ANC's public meeting on April 17th. A copy of the Applicant's April 3rd email is attached at **Tab A**. The Applicant also assisted Commissioner Williams in distributing flyers for the meeting.

On April 10th, the Applicant and counsel attended the SMD Meeting at the Brentwood Recreation Center.² Upon arrival, SMD Commissioner Williams informed undersigned counsel that the SMD Meeting had to be postponed; yet, once constituents who had attended the BZA hearing arrived, Commissioner Williams agreed to move forward with the meeting. The proposed project was generally well-received at the SMD Meeting. Following the meeting, Commissioner

¹ The Applicant has made requests to present at the ANC's public meetings dating back to January. See BZA Ex. 62. The Applicant requested to present at both the February 2019 and March 2019 ANC meetings. Additionally, the Applicant and its counsel attended the March 20th ANC meeting but was denied an opportunity to present.

² The Applicant also held a community meeting to discuss the project on March 14th, although Commissioner Williams was not in attendance.

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Williams announced that the Applicant's project would be discussed at the ANC's April meeting, which lead numerous community members to attend the ANC's April meeting in order to support the project.

However, when the ANC released its proposed agenda for the April 17th meeting, the Applicant's project was not on the agenda. The Applicant discovered this on April 15th, and immediately contacted Commissioner Williams and Commissioner Manning to inquire as to why the ANC would not place the Applicant on its April meeting agenda.³ On April 16th, Commissioner Manning stated that the Applicant would not be placed on the April agenda, but the May agenda. In response, the Applicant again requested that it be added to the April 17th ANC meeting agenda, and noted that the Applicant's representatives would be at the meeting ready to present. A copy of the email exchange is attached at **Tab B**.

The Applicant attended the ANC's April 17th meeting with its architect and counsel in order to present the project to the full ANC and the community. Unfortunately, the ANC's official agenda did not include the Applicant's project. A copy of the ANC's April meeting agenda is attached at **Tab C**. Prior to the meeting, the Applicant approached several Commissioners and respectfully requested that it be added to the agenda, but the ANC adamantly denied the Applicant's respectful request.

The ANC's meeting came to order at 7:06 p.m. During the meeting, the ANC allowed at least two formal presentations that were not on the official agenda.⁴ The ANC also permitted a presentation of BZA Application 20014, which is scheduled to be heard by the Board on May 15th, after the Applicant's hearing date of May 1st. At the end of the meeting, numerous community members expressed support for the Applicant's project and requested that the ANC consider the matter. Commissioner Manning disregarded those requests and promptly adjourned the meeting at 9:36 p.m.

II. The Applicant Made a Good Faith Effort to Present to the ANC, and the Board May Proceed to Hear the Applicant's Case Without an ANC Report

As requested by the Board, the Applicant has made good faith efforts to present the project to the community and obtain a resolution from the ANC. After multiple community presentations, the Applicant respectfully complied with the ANC's request to present at an "SMD Meeting" on April 10th. Such a prerequisite to formal consideration by the ANC is not required under the ANC's By-Laws or under the ANC Act. A copy of the ANC's By-Laws are attached at **Tab D**; *see generally* D.C. Code § 1-309.01, *et seq.* Nonetheless, the Applicant attended the SMD Meeting where the project was generally well-received by the community members in attendance. Despite this fact, the ANC refused to place the Applicant on its April agenda.

The ANC has an affirmative obligation to file a written report if it wishes for the Board to give "great weight" to its issues and concerns. As set forth under Subtitle Y § 406.2, "the Board shall give 'great weight' to the **written report** of the ANC that is received prior to the date of a Board meeting to decide the application . . ." (emphasis added). Further, the Zoning Regulations

³ The ANC did not respond directly to the Applicant or its counsel in regard to the April 3rd email or the April 15th email.

⁴ A representative from Councilmember McDuffie's office as well as representatives from the Court Services and Offender Supervision Agency gave presentations despite not being on the agenda.

are clear that “if an ANC wishes to participate in the hearing, it must file its written report with the Board at least seven (7) days in advance of the public hearing.” *See* Subtitle Y § 406.3. Importantly, an ANC’s written report is only valid and entitled to great weight if it meets certain requirements, including that the ANC approved the written report at a duly-noticed, public meeting. *See* Subtitle Y § 406.2(b-c); *see also* D.C. Code § 1-309.10(d).⁵

In other cases, the Board has proceeded to hear applications where an ANC has failed to file a written report. In BZA Case 19696, the Board recently approved an application where ANC 5C did not file a written report in the case. Likewise, the Board granted BZA Case 19720 where ANC 8C did not participate by filing a written report.

Under the ANC Act, the ANC is entitled to a 30-day review period before the Board may take any action on an application. *See* D.C. Code § 1-309.10(b); *see also* Subtitle Y § 206.17. The ANC’s ability to file its written report was extended when the Board postponed the hearing to May 1st. The ANC has had proper notice of this case but actively chose not to consider it. Therefore, under the ANC Act and the Zoning Regulations, the ANC knowingly forfeits its opportunity to file a valid written report prior to the hearing on May 1st or participate as a party to this case.

III. Conclusion

Over the last four months, the Applicant has respectfully engaged with the ANC and continuously made itself ready and available to present the application and the project to the community and the ANC, including at the ANC’s February, March and April meetings. The Applicant complied with the requests of the ANC and attended an SMD Meeting on April 10th. The Applicant then attended the ANC’s April 17th meeting, but the ANC refused to add the Applicant’s project to its agenda. The ANC took this action despite specifically requesting a postponement of this case until May 1st in order to hold a meeting and consider the project.

The Board was clear that it was allowing the ANC to participate in this case by moving the hearing to May 1st. The ANC has been provided an opportunity to participate beyond what is required in the Zoning Regulations and the ANC Act. The Applicant has undertaken significant expenses in hosting numerous community meetings as well as attending two ANC meetings in an attempt to present the project. The Applicant takes the BZA process and the community engagement process extremely seriously, but feels all reasonable efforts have been made to accommodate the requests of the ANC. As such, it is appropriate at this time to proceed with a full hearing before the BZA.

The Applicant requests that the Board proceed with the hearing on May 1, 2019. We thank you for your attention to this matter.

⁵ Even if the ANC provides oral testimony during the May 1st hearing, the testimony “shall not be given great weight unless accompanied within seven (7) days by written documentation approved by the respective ANC, which supports the testimony.” *See* Subtitle Y § 406.4.

Sincerely,

Cozen O'Connor



By: Meredith Moldenhauer

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April, 2019, a copy of the foregoing Letter with attachment was served, via electronic mail, on the following:

District of Columbia Office of Planning
c/o Stephen Mordfin
1100 4th Street SW, Suite E650
Washington, DC 20024
stephen.mordfin@dc.gov

District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003
Anna.Chamberlin@dc.gov

Advisory Neighborhood Commission 5C
c/o Jacqueline Manning, Chairperson
5C04@anc.dc.gov

Advisory Neighborhood Commission 5C
c/o Kirsten Williams, SMD Commissioner
5C06@anc.dc.gov



Meridith H. Moldenhauer

Tab A

Gardiner, Kari Boyd

From: Gardiner, Kari Boyd
Sent: Wednesday, April 3, 2019 3:30 PM
To: 'Williams, Kirsten (SMD 5C06)'; '5c07@anc.dc.gov'; '5C05@anc.dc.gov'
Cc: Moldenhauer, Meridith
Subject: Confirmation of SMD Meeting for 1400 Montana Ave NE (BZA Case No. 19960)
Attachments: Exhibit34 (4).pdf; Exhibit46 (9).pdf; Exhibit39A (3).pdf

Commissioners:

Thank you for attending the hearing today at the BZA. We were happy you confirmed we will be able to present the application for 1400 Montana Ave NE, BZA Application No. 19960, at the ANC meeting on April 17, 2019.

Thank you also for putting us on the agenda for your next SMD meeting at 5 p.m. on April 10, 2019 at the Brentwood Recreation Center.

In response to some of the concerns expressed at the hearing today about walkability, we have attached both the DDOT report (BZA Ex. 46) and our Traffic Report (BZA Ex. 34). Also, for your convenience, attached is a copy of our most recent set of plans (BZA Ex. 39A).

Please let us know if it would be helpful for us to provide any additional information prior to the SMD meeting so we can be prepared to bring it with us to the meeting.

Again, we will be at the SMD meeting at 5 p.m. on April 10, 2019 at the Brentwood Recreation Center unless we hear otherwise from you. We will also look forward to being on the agenda and presenting the application at the full ANC meeting on April 17, 2019.

Thanks,

Kari Gardiner



Kari Gardiner
Attorney | Cozen O'Connor
1200 19th Street NW | Washington, DC 20036
P: 202-747-0798 C: 202-820-4924
[Email](#) | [Map](#) | [cozen.com](#)

Tab B

Gardiner, Kari Boyd

From: Gardiner, Kari Boyd
Sent: Monday, April 15, 2019 4:51 PM
To: 'Williams, Kirsten (SMD 5C06)'; '5C05@anc.dc.gov'; '5c07@anc.dc.gov'
Cc: Moldenhauer, Meridith; Mazo, Samantha L.
Subject: ANC Meeting for April 17th 2019-1400 Montana Ave-BZA Case No. 19960

Commissioners:

Consistent with your statements to the Board during the hearing at the Board of Zoning Adjustment (the "BZA") on April 3rd, 2019 that we would be on the agenda for the April full ANC meeting, on behalf of MidCity, we confirm that we will be at the full ANC meeting on April 17th and will be ready to present the application for 1400 Montana Ave NE (BZA Case No. 19960).

Confusingly, we saw that a notice for the 5C ANC Meeting on April 17th, 2019 along with a brief agenda was posted on the ANC 5C website (<https://ancward5c.com/2019/04/12/anc-5c-monthly-community-meeting/>), and that BZA Application No. 19960 for 1400 Montana Ave. NE is not on the published agenda. We are surprised because during the BZA Hearing on April 3rd, 2019, Commissioner Williams and Commissioner Montague specifically told the Board that we would be on the April 17th ANC meeting agenda during the hearing on April 3rd, 2019. Further, at the SMD meeting on April 10th, Commissioner Williams stated to the community members that we would be presenting at the full ANC meeting on April 17th.

Perhaps, given Commissioner Montague's statement that "we will do it in the Committee of the Whole and we will put it on the agenda," we are not yet on the agenda due to a procedural issue. We respect your procedure, but want to be sure you know we will be at the meeting on April 17th and ready to present.

Thanks,

Kari Gardiner



Kari Gardiner
Attorney | Cozen O'Connor
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DeBear, Eric J.

From: Gardiner, Kari Boyd
Sent: Tuesday, April 16, 2019 5:08 PM
To: Manning, Jacqueline (SMD 5C04); Bardin, Sara (DCOZ); Moy, Clifford (DCOZ); Williams, Kirsten (SMD 5C06); Oliver, Darlene (SMD 5C05); Brevard, Gail (SMD 5C01)
Cc: Moldenhauer, Meridith
Subject: RE: Case 19960 Mid City 1400 Montana Avenue N.E. ANC 5C 05 &06
Attachments: Applicant's Email to Commissioners dated 04.03.19.pdf; Applicant's Email to Commissioners dated 04.15.19.pdf

Commissioner Manning:

We represent the Applicant in BZA Case No. 19960 for 1400 Montana Avenue, NE (the "Application") and we respectfully disagree with your representations to the Office of Zoning in your email, below. However, we are sorry you feel this way as this treatment is not consistent with MidCity's business practices or Cozen's respect for ANC protocol. Per your request and out of deference to the ANC, alternative representatives from MidCity will attend the ANC meeting tomorrow.

Since January 25, 2019, and as demonstrated at BZA Ex. 62, MidCity has requested to present the Application to ANC 5C and at a 5C06 SMD meeting numerous times. Throughout this process MidCity independently and through counsel has been respectful in their efforts to work with Commissioner Williams and ANC 5C. MidCity has made every effort to educate the community about the Application, including presenting the Application at a well-attended community meeting on March 14, 2019. Also, on March 20th, MidCity representatives attended the ANC meeting ready to present, but were not permitted. Importantly, on April 3rd, the Board specifically postponed the hearing for the Application to May 1st so that MidCity could present to the ANC at their April 17th meeting. Finally, on April 10th, MidCity presented the Application at the SMD meeting held by Commissioner Williams, at which she confirmed to her constituents present that the Application would be discussed at the April 17th ANC meeting.

Additionally, we sent the attached two emails, dated 4/3/2019 and 4/15/2019, confirming that we are prepared and ready to present at the April ANC meeting pursuant to the Board's request at the April 3rd hearing. Your notification to us today, the day before the April ANC meeting, that we will not be on the agenda, is unfortunate timing, and appears to be unnecessarily delaying the established BZA process.

Again, as shown in our attached email correspondence, and in accordance with the Board's request and our representations before the Board at the April 3rd hearing, we are prepared and ready to present tomorrow. Consistent with your request, Mr. Weinbaum will not be at tomorrow's ANC meeting.

Lastly, we understand from your email to the Office of Zoning, you are requesting that the Board leave the record open for the ANC to file their report after the May 1st BZA hearing. However, as you know, under the Zoning Regulations, if you do not allow MidCity to present to the ANC, and the ANC has not submitted their written report, the ANC will unfortunately have foregone their rights to participate in the hearing as a party pursuant to Subtitle Y § 406.3.

Accordingly, we respectfully hope you will reconsider your position and allow MidCity to present on April 17th, 2019. We will be in attendance and ready if you allow us to attend.

Sincerely,

Kari Gardiner



Kari Gardiner
Attorney | Cozen O'Connor
1200 19th Street NW | Washington, DC 20036
P: 202-747-0798 C: 202-820-4924
[Email](#) | [Map](#) | [cozen.com](#)

From: Manning, Jacqueline (SMD 5C04) <5C04@anc.dc.gov>
Sent: Tuesday, April 16, 2019 12:30 PM
To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>; Moy, Clifford (DCOZ) <clifford.moy@dc.gov>; Williams, Kirsten (SMD 5C06) <5C06@anc.dc.gov>; Oliver, Darlene (SMD 5C05) <5C05@anc.dc.gov>; Brevard, Gail (SMD 5C01) <5C01@anc.dc.gov>; Gardiner, Kari Boyd <KGardiner@cozen.com>
Subject: Case 19960 Mid City 1400 Montana Avenue N.E. ANC 5C 05 &06

****EXTERNAL SENDER****

Good Day Ms. Bardin and Mr. Moy,

My name is Jacqueline Manning chair of ANC 5C, I'm writing to you regarding application 19960 Mid City - 1400 Montana Avenue N.E.. This application will be placed on our May 2019 agenda. After reviewing the hearing recording, we would appreciate the record being left open while we find someone else from Mid city to present to our community.

Mr. Waibaum has been very condescending, disrespectful, not forth coming with information about the project and attempting to bully the Commissioner at times. In addition to, the board was out of line to asks Commissioner Montague to answer questions he did not have permission from the 5C Commission to respond to nor was he sworn in at the hearing.

If you need additional information please contact me directly.

Best,

Commissioner Manning

Tab C



**District of Columbia
Advisory Neighborhood Commission 5C**

**PUBLIC MEETING
Wednesday April 17, 2019**

**Time: 7:00pm
Fifth District Police Station
Community Room
1805 Bladensburg Road N.E.**

Call to Order	Commissioner Manning, Chair
Moment of Silence	Attendees
Determination of Quorum and Introduction	Commissioner Brevard, Vice Chair
Approval of Agenda	ANC 5C Commission
Approval of March 2019 Minutes	Commissioner Brevard, Secretary
Approval of Treasury	Commissioner Montague Jr., Treasurer
Fifth District PSA Report	Fifth District officers

PRESENTATION

5C07- Application 20014 – 1803 Rhode Island Avenue N.E. Addisleigh Park Washington Properties LLC.

Nicole Commodore Ascension – The future of Providence Hospital

Tyon Jones - Community Liaison -District Columbia Department of Transportation –

Community announcements:

Adjourn meeting

5C01 Gail Brevard

5C02 Lauren Rogers

5C03 Robert Looper III

5C04 Jacqueline Manning

5C05 Regina James

5C06 Kirsten Williams

5C07 Jeremiah Montague Jr.

Please visit our website: www.ancward5C.com

PLEASE NOTE: ANC5C public meetings will be held on the third Wednesday of the month at the Fifth District Police Station 1805 Bladensburg Road N.E. location is subject to change (ANC 5C summer recess July and August)

Tab D

BY-LAWS
OF
ADVISORY NEIGHBORHOOD COMMISSION 5C

TABLE OF CONTENTS

ARTICLE 1: NAME.....	2
ARTICLE 2: PURPOSE AND RESPONSIBILITIES	2
ARTICLE 3: MEMBERS	3
ARTICLE 4: ELECTION OF OFFICERS	4
ARTICLE 5: DUTIES OF OFFICERS	5
ARTICLE 6: FINANCES	6
ARTICLE 7: ACTION PROCEDURES	7
ARTICLE 8: MEETINGS	7
ARTICLE 9: EXECUTIVE COMMITTEE	9
ARTICLE 10: COMMITTEES.....	10
ARTICLE 11: PARLIAMENTARY AUTHORITY	11
ARTICLE 12: STANDING RULES	11
ARTICLE 13: MISCELLANY	12
ARTICLE 14: AMENDMENT OF BY-LAWS.....	12

(Adopted 2/2013)

ARTICLE 1: NAME

The name of this Commission is Advisory Neighborhood Commission 5C. It is established by DCL 14-1433, as amended. The boundaries of the Commission are those described in that law and are presented in the attached exhibit.

ARTICLE 2: PURPOSE AND RESPONSIBILITIES

Section 1 The purpose of the Commission is to advise the Council of the District of Columbia, the Mayor, executive agencies, independent agencies, and boards and commissions of the Government of the District of Columbia on proposed matters of District Governmental policy, including decisions regarding planning, streets, recreation, social service programs, education, health, safety, and sanitation that affect the Commission area. Proposed actions of the District Government policy shall be the same as those for which prior notice of proposed rule-making is required pursuant to D.C. Code 1-1505c or as it pertains to the Council of the District of Columbia.

- (a) Proposed District Government actions that the Commission shall have the opportunity to comment upon shall include, but shall not be limited to, actions of the Council of the District of Columbia, the executive branch, or an independent agency. The Commission may advise each agency, board and commission regarding the award of any grant funds to a citizen, organization or group; the formation of any final agency 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 system.

Section 2 The Commission may present its views to any federal or District agency.

Section 3 The Commission may initiate its own proposals for District Government action.

- (a) All proposals initiated by the Commission for District Government action must be signed by the chairperson and the recording secretary.

Section 4 The Commission shall monitor complaints of Commission area residents with respect to the delivery of District Government services and file comments on the same with the appropriate District Government entity as well as the Council.

- Section 5 The Commission, other than for neighborhood or community enhancement campaigns, may operate programs only in conjunction with existing governmental activities provided that such activities on behalf of the Commission not duplicate already available programs or services and further, provided that the Commission's programs are not conducted on a contractual basis with existing governmental agencies.
- Section 6 The Commission may, where appropriate, constitute the citizen advisory mechanism required by any federal statute.

ARTICLE 3: MEMBERS

- Section 1 The Commission shall be comprised of those persons duly elected and certified by the D.C. Board of Elections to Single Member Districts within the Commission area of ANC 5C.
- Section 2 All members shall have equal voting rights following the principle of one person, one vote. There shall be no voting by proxy.
- Section 3 Each member of the Commission shall serve for a term of two (2) years that shall begin at Noon on the second day of January next following the date of election of such member, or at Noon on the day after the date the Board certifies such election of such member, whichever is later.
- Section 4 Vacancies shall be filled in accordance with the existing section of the District of Columbia Code that pertains to such matters.
- Section 5 Members of the Commission shall serve without compensation; however, appropriate expenses may be reimbursed upon authorization by the Commission.
- Section 6 The Commission, as well as each committee of the Commission, shall maintain a record of attendance of its members. Such records shall be forwarded to the Commission Recording Secretary for recordation.
- Section 7 Members who miss two consecutive Commission meetings of any kind may be subjected, by the Executive Committee of the Commission, to the following action:
- a) Issued a warning in writing by registered mail giving the member an opportunity to respond within fifteen (15) days to justify his/her absence.
 - b) If the member does not respond or if in the judgment of the Executive Committee of the Commission, the explanation is not adequate, he/she may be:
 - 1) Requested to resign, and/or,

- 2) Recommended to voters of his/her Single Member District for non-re-election.

ARTICLE 4: ELECTION OF OFFICERS

- Section 1 The Commission shall elect a Chairperson, Vice-Chairperson, Recording Secretary, Treasurer, Parliamentarian and such other officers as may be necessary from among the Commission members.
- Section 2 The election shall take place in January of each year at a regularly scheduled, Commission meeting.
- Section 3 The elected officers shall be elected to service for one year or until their successors are elected, and their terms of office shall commence at the close of the regular meeting at which they are elected.
- Section 4 If there are vacancies among officers, the Executive Committee shall appoint an interim officer from among the Commissioners. At the next regular meeting of the Commission, nominations and elections shall occur in accordance with the election procedures set forth in these By-Laws. In case of a vacancy in the office of Treasurer, a special meeting of the Commission will be held to elect a new Treasurer within seven (7) days of the vacancy in accordance with the election procedures set forth in these By-Laws.
- Section 5 Officers elected to fill vacant positions shall only serve out the term of the officer he/she replaced.
- Section 6 A quorum for the election shall be one half of the Commission membership, plus one.
- Section 7 Each candidate for office shall be nominated from the floor by a member of the Commission. There shall be no limit to the number of nominations except that each nomination must be seconded.
- a) A candidate may nominate himself or herself but may not second the nomination.
 - b) A nomination speech up to two minutes may be made.
 - c) No seconding speech will be permitted.
- Section 8 When nomination roll call votes are closed, the elections shall take place by a person designated by the Commission or by persons who have not been nominated. The candidate who receives the most votes shall be elected.

- Section 9 A simple majority shall be required for election of officers. In the event that there is not a simple majority after the first ballot, there shall be an election between the two candidates receiving the most votes.
- Section 10 Voting on each office shall occur before the floor is opened for nominations for another office.
- Section 11 The election of officers cannot be conducted by secret ballot. It must be performed by roll call vote.

ARTICLE 5: DUTIES OF OFFICERS

- Section 1 The Chairperson shall serve as a convener of the Commission and shall chair the Commission meetings.
- a) The Chairperson shall have the power to call special meetings of the Commission and of the Executive Committee.
 - b) The Chairperson may rule on procedural questions from the chair and such rulings may be overturned by a majority vote of the Commission.
 - c) The Chairperson shall be bonded. The Chairperson shall file with the District of Columbia Auditor, a cash surety bond in the amount of Twenty-Five Dollars (\$25.00). The Chairperson shall also file with the Office of the District of Columbia Auditor, on a form provided by said Auditor, a statement giving: (a) treasurer's name, (b) home address, (c) business telephone number, (d) business address, (e) home telephone number, (f) location of the books and records of the Commission, and (g) name and location of each depository
- Section 2 The Vice Chairperson shall perform the duties of the Chairperson, in the absence of the chairperson or when the chairperson wishes to vacate the chair.
- Section 3 The Recording Secretary shall be responsible for the recording and preparation of the minutes of all meetings of the Commission and the Executive Committee, and for the distribution of copies of the minutes to all members of the Commission.
- a) The Recording Secretary shall also be responsible for maintaining records of all activities of the Commission and shall serve as a central depository of copies of minutes and reports of all standing, special and administrative committees, and shall perform such other duties as the Chairperson may direct.
 - b) The Recording Secretary shall have the assistance of the Commission staff; as may be required in the performance of the duties of the office of Recording Secretary.

Section 4 The Recording Secretary shall issue proper notice of all meetings, and conduct the general correspondence of the Commission with assistance of the Commission staff.

Section 5 The Treasurer shall be bonded and file with the District of Columbia Auditor, a cash surety bond in the amount of Twenty-Five Dollars (\$25.00). The Treasurer shall also file with the Office of the District of Columbia Auditor, on a form provided by said Auditor, a statement giving: (a) treasurer's name, (b) home address, (c) business telephone number, (d) business address, (e) home telephone number, (f) location of the books and records of the Commission, and (g) name and location of each depository.

- a) The Treasurer shall maintain complete records, in bound books, of all financial transactions of the Commission, including receipts and expenditures.
- b) The Treasurer shall prepare a voucher for all Commission authorized expenditures.
- c) The Treasurer shall give a report at each Commission meeting and shall prepare written quarterly reports, copies of which shall be distributed to the Commission members.
- c) The Treasurer shall maintain the Commission accounts on a calendar year basis, beginning January 1st and ending December 31st.
- d) The Treasurer shall prepare and the Commission approves a quarterly financial report within thirty (30) days of the close of the fiscal quarter. These reports shall be public documents and shall be available for public inspection. The quarterly report signed the Treasurer, Recording Secretary, and the Chairperson of the Commission, and attested to by the Commission shall be filed, within seven (7) days of approval by the Commission, with the District of Columbia Auditor.

Section 6 The Parliamentarian shall advise the Chair, when requested, on parliamentary orders during the meeting.

ARTICLE 6: FINANCES

Section 1 The Treasurer's and the Chairperson's signature shall be required on every draft or order drawn on the Commission depository. Two signatures are required for all written checks. The Commission may, if it desires, require additional signatures on such drafts or orders. The Commission shall by resolution, approved by a majority of its members, designate one

financial institutions within the District of Columbia as depositories of Commission funds.

- Section 2 Every expenditure of funds by the Commission shall be authorized by a voucher issued by the Treasurer. All expenditures must be authorized by the Commission.
- Section 3 Records of expenditures of such funds shall be transmitted to the Treasurer prior to any further disbursement of funds.
- Section 4 No expenditure, whatsoever, shall be made by the Commission during a vacancy in the office of Treasurer or at any time when a current and accurate statement and bond are not on file with the District of Columbia Auditor.

ARTICLE 7: ACTION PROCEDURES

- Section 1 Any notification of proposed action of the District of Columbia Government or any request for action by a Single Member District Commissioner or a citizen shall be transmitted to the Chairperson of the Commission and copies shall be sent to the Recording Secretary and the Single Member District Commissioner. Citizen requests for action shall also be transmitted to the appropriate Single Member District Commissioner.
- Section 2 The Chairperson of the Commission may refer the matter to the entire Commission or to the appropriate committee or task force within thirty (30) days of such transmittal, unless by law or otherwise stated by the Chairman that a shorter time is required.
- Section 3 The referred body shall, within a period of time designated by the Chairperson, report its recommendation to the full Commission.
- Section 4 The Commission shall meet at a time and place designated by the Chairperson to make a determination as to what action, if any, it will take.
- Section 5 Within thirty (30) days of receiving a notification from the District Government of proposed actions or proposed final policy decisions or guidelines, the Commission shall forward its written recommendations with respect to the proposed actions to the Council of the District of Columbia, the Mayor and the appropriate agency, board, or commission.
- Section 6 If, with respect to the proposed action, the Commission does not have a recommendation, it shall indicate the same in writing within the required time.

ARTICLE 8: MEETINGS

- Section 1 Pursuant to the provisions of 742 (a) of the District of Columbia Self-Government Reorganization Act, all meetings of the Commission shall be open to the public. Section 742 (a) of The Home Rule Bill states: "All meetings (including hearings) of any department, agency, board, or commission of the District Government, including meetings of the District Council, 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 a meeting."
- Section 2 No official action may be taken by the Commission unless a majority of elected representatives of the Commission are present and voting.
- Section 3 The Commission shall convene the residents of its Commission area at regular intervals at least nine (9) times a year to hear resident views on problems in the Commission area and on proposed District Government actions affecting said areas.
- Section 4 The Commission shall establish and publicize a regular monthly public meeting time, except July and August, or not less than nine times a year to consider matters before the Commission which may include, but not be limited to, consideration of actions or proposed actions of the legislative and executive branches of the D.C. Government or any independent agency, board or commission and recommendation thereof.
- Section 5 No less than seven (7) days notice shall be given by the Commission of its meetings or convocations except where shorter notice for good cause is necessary or in the case of an emergency by posting written notices in at least four (4) conspicuous places in each Single Member District within the Commission area.
- Section 6 The Commission may also establish such mechanisms as will insure the broadest dissemination of information with respect to the Commission meetings, positions, and actions. The 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, or economic status.
- Section 7 Resident views shall be incorporated into positions taken by the Commission.
- Section 8 Special meetings of the Commission may be called by the Chairperson or by the Executive Committee or by written request of one-sixth of the Commission membership. The purpose of the meeting shall be stated in the notice and no other topic may be discussed at that meeting. Notice shall be given in writing, in compliance with Section 6 of Article 7.
- Section 9 The Commission may hold joint meetings with other Advisory Neighborhood Commissions to deal more effectively with or respond to

similar concerns and issues which transcend and affect the areas of the Commissions jointly meeting, and for informational purposes.

- Section 10 Joint Commission meetings may be held only after authorization to participate in such joint meetings and to discuss such matters as have been given to each participant Commission in a meeting held prior to such joint meetings.
- Section 11 The Commission may elect officers or representatives to the joint Commission in accordance with the election procedure set forth in these By-Laws.
- Section 12 The Commission members shall reflect but not necessarily be bound by the views of the Commission. The Commission members attending the associated Commissions shall have no power other than what their respective Commission has agreed upon.
- Section 13 Discussions and voting at such meetings shall be limited to the Commission members.
- Section 14 Commission actions, except for amending these By-Laws, shall be approved by a simple majority of those Commission members present and voting.
- Section 15 Meetings shall follow the agenda established by the Executive Committee. Commission members may submit proposed agenda items to the Chairperson, for consideration, one week prior to the meeting date. Notice of special agenda items shall be made at the time of the meeting notice.

ARTICLE 9: EXECUTIVE COMMITTEE

- Section 1 Advisory Neighborhood Commission 5C shall have an Executive Committee consisting of and limited to the elected and appointed officers of the Commission.
- Section 2 The Executive Committee of the Commission shall have the authority to establish special committees.
- Section 3 The Executive Committee of the Commission shall draft plans and recommendations for approval or ratification by the Commission. Emergency actions shall be presented to the Commission for ratification.
- Section 4 Vacancies on the Executive Committee shall be promptly filled, using the procedures, and maintaining the composition, outlined in these By-Laws.
- Section 5 A majority of the members of the Executive Committee shall constitute a quorum.
- Section 6 A regular meeting time of the Executive Committee shall be established.

ARTICLE 10: COMMITTEES

Section 1 There shall be two (2) categories of committees:

a) Standing Committees: those created permanently with the concurrence by majority vote of the Commission. The standing committees shall be

- i) Alcohol and Beverage Control Committee
- ii) Planning and Zoning Committee
- iii) Safety Committee
- iv) And any such standing committee and task force the commission may establish.

b) Special Committees: those created temporarily by the Commission and/or the Executive Committee of the Commission.

These committees may include citizen representation. Each Commission may involve representatives of other neighborhood groups in the work of its standing or special committees. The citizen representatives will be non-voting members of the full body ANC Committee.

Section 2 Each standing committee shall be composed initially of at least two Commissioners who will serve as Chair and Vice Chair.

Section 3 The selection of a standing committee chairperson and vice chairperson shall precede the appointment of standing committee members.

Section 4 The Executive Committee of the Commission shall have the power to appoint or remove standing committee chairpersons and vice-chairpersons.

Section 5 The Executive Committee of the Commission shall appoint the committee chairperson and the chairperson shall appoint the vice-chairperson from among the Advisory Neighborhood Commissioners from the commissioner of 5C. The standing committee membership as appointed by the Commission; and the chairperson and vice chairperson of each committee shall have the right to vote.

Section 6 The standing committee shall also elect such other officers as are needed.

Section 7 The composition, manner of selection and duties of all special committees shall be determined by the Executive Committee of the Commission with the concurrence of the Commission.

Section 8 Any special committee created by the Commission and/or the Executive Committee of the Commission may become a standing committee with the concurrence of the Commission.

- Section 9 Upon transformation of a special committee into a standing committee, the Commission members serving on and the purpose of the Committee shall remain the same; except that the Executive Committee of the Commission may make such changes as are necessary.
- Section 10 The time and regularity of Executive, standing, and special committee meetings shall be established by the respective committees themselves.
- Section 11 The Chairperson shall be an ex-officio member of all committees.
- Section 12 The Chairperson shall ensure that items requiring committee action are referred to the appropriate committee(s) upon receipt.
- Section 13 Committee recommendations for Commission action shall be placed on the agenda for the first ANC meeting after they are adopted, if requested by the Committee.

ARTICLE 11: PARLIAMENTARY AUTHORITY

Robert’s Rules of Order Newly Revised shall govern the Commission in all cases in which they are not inconsistent with these by-laws and any special rules of order the Commission may adopt.

ARTICLE 12: STANDING RULES

- Section 1 A final budget shall be submitted to the Council and to the Mayor on or before April 30 of each year provided that submission of any different dates may be required to conform to the District of Columbia budget schedule.
- Section 2 The Commission may not solicit or accept funds from a federal or District Government agency or private source except as may be specifically or previously authorized by resolution of the Council provided that receipt of contributions up to \$1,000 or less per year from a single contributor need not be approved by the Council.
- Section 3 The Commission may adopt rules to implement the requirements of the Bylaws and to enhance the efficiency and operation of the Commission. These rules may be adopted or amended by majority vote at any Commission meeting.
- Section 4 The Commission shall adopt rules for the use of the ANC office and supplies based on the principles that all commissioners shall have equal access to the office and that use of the office and Commission supplies shall meet the “public” purpose test. Reference Section 1-309.13
- Section 5 The Commission shall adopt standing rules for handling constituent recommendations. The rules shall designate the Chair to ensure that

constituent recommendations are referred to the proper Commission or government agency for action.

ARTICLE 13: MISCELLANY

- Section 1 The Commission, within its ward, may pool its funds in accordance with agreements established by the Commission members.
- Section 2 Should the Commission feel legal redress is required, it shall petition the Council through its special committee on Advisory Neighborhood Commissions or such successor committee.
- Section 3 Any Commission member may institute a legal action in the courts of the District of Columbia or in the federal court but the Commission itself shall not have such power.
- Section 4 The Commission shall have no authority to incorporate; however, no member of the Commission may be liable for action taken as an elected representative from a single member district.
- Section 5 All employees of the Commission shall be hired by the Commission and shall serve at the pleasure of the Commission.
- Section 6 All employees of the Commission shall be supervised by the Chairperson and the Vice Chair.
- Section 7 The Commission shall establish position descriptions for its employees. The employees of the Commission may be hired on a full time or part-time basis and for an indefinite term. Persons hired by the Commission shall meet the qualifications established in the job description.

ARTICLE 14: AMENDMENT OF BY-LAWS

- Section 1 The Commission shall file an up-to-date copy of each and all amendments thereto with the Council of the District of Columbia within seven (7) days of their initial adoption.
- Section 2 Revision of these By-Laws requires a two thirds vote of the entire Commission with at least two weeks prior notice to each Commission member that the rules will be recommended for change. Such notification shall include the suggested changes.
- Section 3 These By-Laws shall be consistent with all congressional and District legislation and other applicable laws regarding Advisory Neighborhood Commissions and any inconsistencies are to be held null and void.
- Section 4 Where not otherwise provided, the procedures of the Commission shall be governed by Robert's Rules of Order.

Section 5 These Rules shall be open to the public.