Advisory Neighborhood Commission 2 E
Single Member District 04
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June 12, 2000

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DISTRICT OF COLUMBIA
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Dear Annette:

Re: ANC Meetings and the Sunshine Law

Pursuant to our conversations, and in light of the opinion letters you shared, I am writing to clarify my understanding of the events that took place in our Advisory Neighborhood Commission and determine the legitimacy of the adopted resolution.

On Tuesday, June 6, ANC 2E held a town hall meeting to consider the application of Georgetown University for a special exception to adopt a new campus plan for the next ten years. This meeting was noticed in the area newspaper as well as by posting of agenda in usual locations throughout the eight SMDs.

Prior to that public meeting, five members of the ANC (obviously constituting a majority) met alone without advising the remaining members or the public. They jointly edited an omnibus motion calling for adoption of the campus plan as presented and agreed to support the final product.

At the public meeting, representatives of many community organizations spoke in favor of fundamental changes in the campus plan, as did several dozen individual citizens. A few citizens and one organization spoke in favor of the plan. When community comment was concluded, one of the five commissioners who had met earlier presented their resolution (although he did not read the final clause, which is where approval of the plan was referenced); another of the five seconded it. There was discussion among the three remaining commissioners about their desire to address individual elements of the campus plan, and to consider amendments that would provide protections for particular communities. When, as Secretary, I received a copy of the omnibus resolution (none had been provided to other commissioners) and read the final clause into the record, several members of the community voiced concern, as did two commissioners. The commissioner who seconded the motion called the question without opportunity to consider any amendments. The motion passed on a vote of 5:3:0.

Did the earlier meeting violate the requirement for open meetings? Did the majority of the commissioners deny the community's participation by making a determination of the outcome before the hearing? Clearly the matter concerned qualifies as an official

BZA
Case No. 16566
Exhibit No. 54

Board of Zoning Adjustment
District of Columbia
CASE NO.16566
EXHIBIT NO.54

action of the ANC. The February 26, 1997, opinion letter from Interim Corporation Counsel Jo Anne Robinson to then ANC 2E commissioner Jonda McFarlane specifically states that at a non-public meeting, ANCs may not "formally vote on or informally decide a matter that is required to be voted on at a public meeting. Nor at such a non-public meeting may a board or commission decide formally or informally sub-issues that are substantive in nature and that must be decided in order to decide the ultimate issue."

It would seem that the meeting of the five commissioners, constituting a majority of the ANC, did exactly that. If I correctly reflect our conversations, the impact of such action is to invalidate the action taken at the rubber-stamp public meeting.

Would you be kind enough to clarify these issues for me?

Sincerely,

Barbara Zartman
Commissioner 2E 04