Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

April 24, 2002

MS. JERRILY KRESS, Director
Zoning Commission
441 Fourth Street N.W.–Room 210
Washington, DC 20001

Re: Response to the Zoning Commission's Request for Further Information on ANC-2A's April 7, 2002 Resolution #02-04B Regarding The George Washington University Z.C. Case No. 02-03 (Relief for an area variance from the minimum closed court area and width requirements at section 406.1 to authorize the design, as proposed, of a new student Dormitory Housing Facility in Lot 26 Square 43.)

Dear Ms. Kress:

At the conclusion of the April 11 hearing on the above-titled case before the Zoning Commission, Z.C. Chairperson Carol Mitten requested of any and all of the Parties, a clarification of the rules and procedures governing ANC-2A's vote on Resolution #02-04B of April 7, 2002, to determine what constituted a majority of the votes needed to pass the resolution, under Edition 10 of Roberts' Rules of Order.

After presentations by the University, a presentation by neighboring property owner Dr. Donald Kreuzer, a protracted debate and discussion by the Commissioners present, and additional community input, the vote was called on a proposed resolution. The Commission Chair incorrectly opined that the proposed resolution to oppose the grant of a special exception for an area variance from the minimum closed court area and width requirements failed with two "yeas" and two "abstentions," with four of six Commissioners present.

At the April 11, 2002 Zoning Commission hearing on this case, the University attempted to have the Resolution thrown out. Despite the University's vociferous opposition to the ANC's resolution and mischaracterization of the resolution as passing "in part" or not at all, Resolution #02-04B passed in a 2-0-2 vote and is binding. Our authority is Robert's Rules of Order, 10th Edition, Newly Revised. See Chapter XIII, "Voting" (page 387):

> Majority Vote–the Basic Requirement
> As stated on page 4, the basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise, is a majority vote. The word *majority* means "more than half"; and when the term *majority vote* is used without qualification—as in the case of the basic requirement—it means more than half of the votes cast by persons legally entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting at which a quorum is present.

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Zoning Commission
District of Columbia
Case 02-03
Exhibit 28

ZONING COMMISSION
District of Columbia
CASE NO.02-03
EXHIBIT NO.28

Note that Robert's clearly says, "excluding blanks or abstentions." Robert's goes on to describe other systems of voting that may be used in special circumstances or may be adopted through special provision in the bylaws, and in some of those "modifications of usual bases for decision" an abstention might count as a negative vote. But a normal vote on a motion at ANC-2A's meetings follows the normal rule, and abstentions simply don't count.

During its final argument at the April 11 hearing, the University also raised the issue of the number of Commissioners present, four of six, at the meeting, and the "fairness" of the correct outcome of that final vote, passing the ANC's resolution. Please note that there was no concern on the University's part at the April 7 meeting when the outcome of the vote appeared, incorrectly, to be in the University's favor.

Please note that under the February 1999 revised District Code pertaining to Advisory Neighborhood Commissions (in particular Provision 1-262 subsection (e)), "where not otherwise provided, the procedures of the Commission shall be governed by Robert's Rules of Order." The section regarding what constitutes a quorum under ANC-2A's Rules of Procedure and Bylaws, originally approved and instituted on 3-7-78, was amended on 6-21-95 by the Commission. Article VI, Section 4 now reads: "In these by-laws, a majority is understood to be the majority of currently seated commissioners of the Foggy Bottom/West End Advisory Neighborhood Commission present and forming a quorum." In Article VIII, Parliamentary Authority, the by-laws go on to affirm "Robert's Rules of Order Newly Revised shall govern the Commission in all cases in which they are not inconsistent with these bylaws and any special rules of order the Commission may adopt."

It is clear from the foregoing that there was a proper quorum at the April 7, 2002 Special Meeting, and that ANC-2A's Resolution #02-04B in opposition to the University's above-titled request passed on a 2-0-2 vote.

Sincerely,

Elizabeth B. Elliott
ANC-2A/Chair

(1) Attachment: Citation from 10th Edition/Robert's Rules of Order on Voting

ROBERT'S RULES OF ORDER
NEWLY REVISED

10TH EDITION

GENERAL HENRY M. ROBERT
U.S. Army

A New and Enlarged Edition by
SARAH CORBIN ROBERT
HENRY M. ROBERT III
WILLIAM J. EVANS
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PERSEUS PUBLISHING
Cambridge, Massachusetts

CHAPTER
XIII

VOTING

§44. BASES FOR DETERMINING A VOTING RESULT 1

Majority Vote—the Basic Requirement

As stated on page 4, the basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise, is a *majority vote*. The word *majority* means "more than half"; and when the term *majority vote* is used without qualification—as in the case of the basic requirement—it means more than half of the votes cast by persons legally entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting at which a quorum (40) is present. For example, at such a meeting (assuming that there are no voters having fractions of a vote, as may occur in some conventions):

- If 19 votes are cast, a majority (more than 9½) is 10.
- If 20 votes are cast, a majority (more than 10) is 11.
- If 21 votes are cast, a majority (more than 10½) is 11.

Other bases for determining a voting result, as described below, are required under parliamentary law for certain procedures, or may be prescribed by the rules of the particular body—for decisions in general or for questions of a specified nature (see also Standard Characteristic 7, pp. 98–99).