



Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

Special Meeting Minutes

Saturday, June 25th, 2016, 2016; 11:00 a.m.

West End Interim Library - 2522 Virginia Avenue NW

Call to Order

Chair Patrick Kennedy (01) called the meeting to order at 11:06 am. Commissioners Rebecca Coder (02), Florence Harmon (06), and Eve Zhurbinskiy (08) were present.

Regulatory Agenda

Consideration of a Resolution Regarding Neighborhood Restaurant Group’s Opening of a Pop-Up Beer Garden at 21st Street and M Street NW

Commissioner Harmon gave an overview of the neighborhood’s issues regarding the Golden Triangle Business Improvement District’s (BID) recently-opened pop-up beer garden at 2100 M Street NW. She gave an overview of her proposed resolution regarding the matter, which called on the ANC to protest the use of 2100 M Street NW as a catered site.

Sally Blumenthal, the President of the 22 West’s condominium board, was present. She said that 22 West’s main concern regarding the matter was the beer garden’s planned amplified music until 10 pm at night. She said that she has met with the owner of the establishment and with representatives from the Golden Triangle BID.

Ms. Blumenthal said that 22 West is seeking to limit the beer garden’s operations to include no amplified music, only acoustic music, and the end of operations at 9 pm on weekdays and 10 pm on weekends.

Sara Maddux, a local resident, said that she was concerned about the precedent that the beer garden would set for other public and private spaces beyond the K Street NW area.

Commissioner Harmon said that her main concerns regarding the matter are the lack of coordination by the Golden Triangle BID with the ANC and the fact that the beer garden is using a caterer’s license in order to avoid obtaining a regular alcoholic beverage license.

Commissioner Harmon made a motion to adopt her proposed resolution regarding the matter, and to approve ANC expenses up \$2,000 for legal fees associated with the matter. Commissioner Coder seconded the motion, which was voted on and passed (VOTES: 4-0).

Consideration of a Resolution Regarding DC Council Bill B21-0697 – “Advisory Neighborhood Commissions Omnibus Amendment Act of 2016”

The commissioners and meeting attendees discussed several sections of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016 and made recommendations for changes to the bill.

Chair Kennedy made a motion to draft and submit a resolution to the DC Council based on the ANC's recommendations from the meeting. Commissioner Coder seconded the motion, which was voted on and passed (VOTES: 4-0).

Proposed Resolution Regarding the "New Columbia Draft Constitution" as it Pertains to Advisory Neighborhood Commissions

Commissioner Harmon recused herself from voting on this matter.

The commissioners and meeting attendees discussed several sections of the New Columbia Draft Constitution as they pertain to Advisory Neighborhood Commissions and made recommendations for changes to the constitution.

Chair Kennedy made a motion to draft and submit a resolution to the New Columbia Statehood Commission based on the ANC's recommendations from the meeting. Commissioner Zhurbinskiy seconded the motion, which was voted on and passed (VOTES: 3-0).

Adjournment

Chair Kennedy adjourned the meeting at 2:12 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "P. J. Schrefer".

Philip Schrefer
Secretary, ANC 2A05



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June 28, 2016

Councilmember Anita Bonds, At-Large
Chair, Committee on Housing and Community Development
Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 110
Washington, DC 20004
abonds@dccouncil.us

RE: B21-0697 – The “Advisory Neighborhood Commissions Omnibus Amendment Act of 2016”

Dear Councilmember Bonds,

At a special meeting on June 25, 2016, Advisory Neighborhood Commission 2A (“**ANC 2A**” or “**Commission**”) considered the above-referenced piece of legislation. With four of seven commissioners present, a quorum at a duly-noticed public meeting, the Commission voted unanimously (**4-0-0**), after a motion made by Commissioner Kennedy and seconded by Commissioner Coder, to adopt the following recommendations in regards to the above-referenced piece of legislation:

With regards to proposed paragraph (5) of section 2(c), we recommend that “eligible voters” and “voter” be removed from the proposed language, and that the paragraph instead states:

“‘Single-member district’ means a bounded geographical area in which those residing there are the base for a single Commissioner, in accordance with section 4 of this Act.”

With regards to proposed paragraph (1D) of section 6(a), we recommend that “while holding” be removed from the proposed language, and that the subparagraph instead states:

“Has not been convicted of a felony in the ten years prior to seeking election to the office of Advisory Neighborhood Commissioner.”

With regards to the current language for paragraph (1B) of section 6(b), we recommend that the number of registered qualified electors be reduced from 25 to 20, as we believe that the current requirement for Commissioners to receive signatures from 25 registered qualified electors is overly burdensome.

With regards to proposed paragraph (1) of section 13(b), we recommend that the first sentence of the proposed language states:



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“Written notice pursuant to this subsection shall be by first-class mail, unless the party to be noticed requests in writing receive electronic mail notifications”

With regards to proposed paragraph (4) of section 13(b), we recommend that a subparagraph (F) is added that institutes an enforcement mechanism for District government entities that do not follow the new regulations regarding required notice in section 13(b).

With regards to proposed subsections (c-1), (c-2), and (c-3) of section 13, we recommend that the Council reduce the number of required notices in these subsections in order for the notices to be less repetitive and to be more focused on issues most critical to quality of life matters. We also recommend that the Council propose provisions that are reasonable for District government entities to carry out.

With regards to the proposed language in paragraph (1) of section 13(d), we recommend that the proposed language be removed, as we believe that the proposed language creates more problems than it intends to solve and that the current language is sufficient.

With regards to proposed paragraph (3A) of section 13(d), we recommend that the proposed language be removed, as we believe that the current language is sufficient.

With regards to proposed subsection (f-1) of section 13(f), we recommend that the proposed language be removed, as we believe the proposed language does little to advance overall consideration of the ANC’s viewpoints by District government entities.

With regards to proposed paragraphs (1) and (2) of section 13(g)(g-1), we recommend that the proposed language be removed. While the ANC is appreciative of the intent of these paragraphs, we feel that the proposed “Notice of Infraction” process is overly bureaucratic and that more oversight by the Council would more effectively achieve the goals of these paragraphs.

With regards to proposed subsections (n-1) and (n-2) of section 13(n), we recommend that the proposed language be removed, as we believe that the subsections propose overly burdensome tasks for the ANC to complete, and that the ANC could more effectively report on its activities through the composition of a more open-ended annual report, which we are open to making mandatory.

With regards to proposed subsection (p) of section 13, we recommend that the proposed language be removed, as we believe that requiring the Office of Advisory Neighborhood Commissions to be in intermediary between the ANC



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and the Council is unnecessary and that the ANC should simply submit any resolutions regarding legislation pending before the Council directly to the Council.

With regards to proposed subsection (c-2) of section 14(c), we recommend that the proposed language be removed, as we believe that the current language is sufficient.

With regards to proposed paragraph (1) of section 14(c)(c-3), we recommend that the proposed language be removed, as we believe that it is not feasible for the ANC to give entities included on the monthly meeting agenda 14-days individual notice since the ANC regularly has to add matters to the agenda up until the day of the meeting, largely due to the fact that the ANC receives notices from DC government entities regarding matters that require immediate action and are received up until the day of the meeting.

With regards to proposed paragraph (2) of section 14(c)(3), we recommend that the proposed language be removed, as we believe that this paragraph proposes overly burdensome tasks for the ANC to complete and that many of the proposals in this paragraph are already required under existing DC government law.

With regards to proposed paragraph (1) of section 14(e), we recommend that the proposed language be removed, as we believe that, as a public entity that must open up all meetings and votes to the public, the ANC should not be conducting any votes that involve secret ballots.

With regards to proposed paragraph (1A) of section 14(e), we recommend that the proposed language be removed, as we believe that the current language is sufficient.

With regards to proposed changes in section 15(b), we recommend that “and no Commission may delegate official decision-making or negotiating authority to any committee” be removed from the proposed language, as we believe that the language on committees being “advisory only” achieves the intent of this language without the additional language – which we believe only generates confusion regarding the interpretation of the provision as a whole.

With regards to proposed paragraph (5A) of section 15(d), we are appreciative of the proposal that Commissioner parking passes will only be issued to Commissioners after the completion of a training session with the Office of Advisory Neighborhood Commissions, however we request that the Mayor’s Office work with the Office of Advisory Neighborhood Commissions to clarify the best times and locations for the training sessions, as well as the best distribution method for the parking passes.



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With regards to proposed paragraphs (5B), (5C), (5D), (5E), (5F), (5G), and (5H) of section 15(d), we recommend that the proposed language be removed, as we believe that these regulations are unnecessary and that the Council could achieve the goals of these proposed paragraphs by simply working directly with DC government entities, including the Office of the Chief Technology Officer.

With regards to proposed paragraph (5I) of section 15(d), we recommend that the proposed language be removed, as we believe that it would be more effective for individual ANCs to work directly with the Mayor’s Office to secure the resources that each individual ANC requires.

With regards to proposed subsections (f), (g), (h), (i), and (j) of section 15, we recommend that the proposed language be removed, as we believe that the current language is sufficient.

With regards to subsection (a-1) of section 16(a), we recommend that the proposed language be removed, as we believe, mirroring our previous comments regarding the ANC Hubs that are proposed in paragraph (5I) of section 15(d), that it would be more effective for individual ANCs to work directly with the Mayor’s Office to secure the resources that each individual ANC requires.

With regards to proposed changes in paragraph 3 of section 16(b), we recommend that no changes are made to the current language of this paragraph, as we believe that a prohibition on ANCs opening savings accounts is unnecessary.

With regards to proposed subsection (c-1) of section 16(c), we recommend that the proposed language be removed, as we believe that many ANCs already provide these treasurer’s reports to the public, both at ANC meetings and via the ANC’s website, and that the DC Auditor provides these reports to the public via the DC Auditor’s website for the ANCs that do not provide the reports through the previously mentioned methods.

With regards to the proposed paragraphs (2A) and (2B) of section 16(f), we believe that the proposal to allow ANCs to make and receive electronic payments is a beneficial and necessary idea. We recommend that the Council further explore this idea, particularly in regards to the practicality of the financial controls and the role of the DC Auditor in overseeing these payments.

With regards to proposed changes to paragraph (3) of section 16(j), we recommend that no changes are made to the current language of this paragraph, as we believe that the current language is sufficient.

With regards to proposed changes to paragraph (1) of section 16(l) regarding nominal refreshments at ANC meetings, we recommend that no changes be made to the current language, as we believe that the currently-existing language



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regarding the provision of refreshments is sufficient for the ANCs that choose to do so.

With regards to proposed changes to paragraph (1) of section 16(l) regarding the definition of public purpose, we recommend that no changes are made to the current language, as we believe that the current language is sufficient.

With regards to proposed paragraph (2D) of section 16(m), we recommend that the proposed language be removed, as we believe that restrictions regarding allowable overhead costs for ANC grants should be left to the individual ANCs to determine.

With regards to proposed changes to paragraph (3) of section 16(m), we recommend that all of the proposed changes in this paragraph be removed, as we believe that the DC Auditor possesses sufficient information presently to conduct oversight of ANC grant awards, and that the additional reporting information required would impose a substantial burden on the ANC, the DC Auditor, and the grantee for no public benefit.

With regards to proposed paragraphs (1), (2), and (3) of section 16(r), we recommend that the proposed language be removed, as we believe that issuing a stipend to Commissioners is a well-intentioned idea but creates too many administrative, legal, tax, and ethical complications for commissioners.

With regards to subsections (b), (c), and (d) of section 18, we recommend that the proposed language be removed and that the Council work with the Office of Advisory Neighborhood Commissions to determine how to focus more directly on advancing its mission to assist ANCs in their operations. We believe that a targeted increase in office financial resources, rather than a wholesale expansion of the Office’s mandate through law, would provide a better approach to ensuring that ANCs across the city are given the advice and resources that they need in order to fulfill their missions.

The Commission is broadly appreciative of the outreach that Councilmember Bonds and her office have done with respect to reaching out to ANCs in order to glean their suggestions for this bill. We believe that the outreach done was extensive in both scope and execution, and are grateful that many good ideas from that process made it into this bill. We are also grateful that this bill has sparked a needed conversation citywide about how ANC operations can be improved under the law, and look forward to engaging in that conversation with our suggestions as laid out in the preceding paragraphs.

Commissioner Patrick Kennedy (2A01@anc.dc.gov) is the Commission’s representative in this matter.



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ON BEHALF OF THE COMMISSION.

Sincerely,

Patrick Kennedy
Chairperson

CC: Councilmember David Grosso, At-Large
Joey Trimboli, Legislative Counsel, Councilmember Anita Bonds
Gottlieb Simon, Director, Office of Advisory Neighborhood Commissions



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July 8, 2016

Mayor Muriel Bowser
Co-Chair
New Columbia Statehood Commission
1350 Pennsylvania Avenue NW, C-09
Washington, DC 20004
muriel.bowser@dc.gov

Chairman Phil Mendelson
Co-Chair
New Columbia Statehood Commission
1350 Pennsylvania Avenue NW, C-09
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pmendelson@dccouncil.us

RE: The New Columbia Draft Constitution

Dear Mayor Bowser and Chairman Mendelson,

At a special meeting on June 25, 2016, Advisory Neighborhood Commission 2A (“**ANC 2A**” or “**Commission**”) considered the above-referenced matter. With four of seven commissioners present, a quorum at a duly-noticed public meeting, the Commission voted unanimously (**3-0-0***), after a motion made by Commissioner Kennedy and seconded by Commissioner Zhurbinskiy, to adopt the following recommendations in regards to the above-referenced matter:

With regards to paragraph (a) of Article I, Section 7, we recommend that “substantially equal population” be removed from the proposed language, as we believe that commissions can best serve their constituencies when their boundaries are coterminous with broadly-accepted neighborhood boundaries, and that these neighborhood boundaries will inevitably lead to varying population amounts for each commission. We thus believe that the first sentence of paragraph (a) should state:

“The House of Delegates shall by Act divide the State of New Columbia into neighborhood commission areas, which shall be further divided into “Single-Member Districts” of substantially equal population from which “Advisory Neighborhood Commissioners” shall be elected.”

With regards to paragraph (a) of Article I, Section 7, we also recommend that the last sentence of the paragraph, which states: “Candidates for Advisory Neighborhood Commissioner shall qualify for election by gathering signatures of at least five percent of the qualified voters in their neighborhood commission area,” be removed from the proposed language. The ANC disagrees with the five percent standard for gathering signatures, and we also believe that this standard is an inappropriate amount of specificity for a state constitution. Additionally, as an ANC that includes multiple university-area districts, which have large amounts of voters who registered in the districts for an individual election and no longer live in the districts, but are not regularly taken off of voter rolls, this five percent standard would present a substantial practical difficulty to people who are running for office in these districts.



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With regards to paragraph (b) of Article I, Section 7, we recommend that the entire paragraph be removed from the proposed language, as we believe that the details of this paragraph are already provided by existing DC laws, and thus it is unnecessary to include these details in the draft constitution.

Commissioner Patrick Kennedy (2A01@anc.dc.gov) is the Commission’s representative in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Patrick Kennedy
Chairperson

CC: Senator Paul Strauss, New Columbia Statehood Commission
Senator Michael D. Brown, New Columbia Statehood Commission
Representative Franklin Garcia, New Columbia Statehood Commission
Gottlieb Simon, Director, Office of Advisory Neighborhood Commissions
Betsy Cavendish, General Counsel, Executive Office of the Mayor

*Commissioner Florence Harmon recused herself from voting on this matter.