



Advisory Neighborhood Commission 2A

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

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