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AN ACT

1-85

In the Council of the District of Columbia

January 9, 1976

To establish the duties and responsibilities of Advisory Neighborhood Commissions; their internal operating structure; their relationships to other governmental and private entities; and their fiscal and administrative procedures.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Duties and Responsibilities of the Advisory Neighborhood Commissions act of 1975".

Statement of Purpose

Sec. 2. The purpose of this act is to further implement section 738 of the District of Columbia Self-Government and Governmental Reorganization Act by amending the Advisory Neighborhood Councils Act of 1975, as amended, by adding the following additional sections to said act:

"Duties and Responsibilities of Advisory
Neighborhood Commissions

"Sec. 13(a). Each Advisory Neighborhood Commission (hereinafter the 'Commission') may advise the Council of the District of Columbia, the Mayor and each Executive Agency and all independent agencies, boards and commissions of the government of

money damages is entered against a medical employee of the District of Columbia on account of damage to or loss of property or on account of personal injury or death caused by the negligent act or omission of the medical employee within the scope of his employment and performance of professional responsibilities, the District of Columbia shall, to the extent the medical employee is not covered by appropriate insurance purchased by the District of Columbia, indemnify the employee in the amount of said money damages.

"(c) Nothing in this section shall be construed to restrict appropriate disciplinary action by the District of Columbia against any employee for a negligent act or omission."

Sec. 3. This act shall take effect upon becoming law by operation of subsection (c) of section 602 of the District of Columbia Self-Government and Governmental Reorganization Act.

the District of Columbia with respect to all proposed matters of District government policy including decisions regarding planning, streets, recreation, social services programs, education, health, safety and sanitation which affect that Commission area. For the purposes of this act, proposed actions of District government policy shall be the same as those for which prior notice of proposed rule-making is required pursuant to section 5(a) of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1505(a)) or as pertains to the Council of the District of Columbia.

"(b) Thirty days written notice of such District government actions or proposed actions shall be given by mail to each Commission affected by said actions, except where shorter notice on good cause made and published with the notice may be provided or in the case of an emergency and such notice shall be published in the District of Columbia Register. The Register shall be made available, without cost, to each Commission and shall, as of the effective date of this act, be published on Friday of each week.

"(c) Proposed District government actions covered by this act shall include, but shall not be limited to, actions of the Council of the District of Columbia, the Executive Branch or independent agency. In addition to those notices required in subsection (a) above, each agency, board and commission shall, before the award of any grant funds to a citizen organization or

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group, or before the formulation of any final 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 systems, provide to each affected Commission notice of the proposed action as required by subsection (b). Each District of Columbia agency shall maintain a record of such notices sent to each Commission.

"(d) Each Commission so notified pursuant to subsections (b) and (c) of this section of proposed District government action or actions shall consider each such action or actions in a meeting with notice given in accordance with section 14(c) which is open to the public in accordance with section 14(g). No official action may be taken by a Commission unless a majority of the elected representatives of the Commission are present and voting. Each 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 within thirty days of the mailing of the notification required by subsection (b) of this section, Provided, that, if the Commission does not have a recommendation with respect to the proposed action, it shall so indicate in writing within the

required time period. At the close of business of the thirty-first day from mailing of such written notice or earlier if such limited publication has been provided, the affected District government entity shall proceed to make its decision. The issues and concerns raised in the recommendations of the Commission shall be given great weight during the deliberations by the governmental agency and those issues shall be discussed in the written rationale for the governmental decision taken.

"(e) In order that the Commissions may develop refined recommendations, the Mayor shall, by April 1, 1976, provide each Commission with census and agency operating data for the electoral ward within which said Commission is located and further, shall develop for Commissions and the Council of the District of Columbia, comprehensive plans, agency operating budgets and capital budgets on a ward basis by fiscal year 1978.

"(f) Each Commission may present its views to any Federal or District agency.

"(g) The Commission shall not have the power to initiate a legal action in the Courts of the District of Columbia or in the Federal courts, provided that this limitation does not apply to or prohibit any Commission from bringing suit as a citizen. The Commission may petition the Council through the Special Committee on Advisory Neighborhood Commissions or such successor committee should the Commission feel legal redress is required.

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"(h) Each Commission may initiate its own proposals for District government action, which proposals shall in general be reviewed and acted upon by the appropriate District government entity within five months of their submission, provided that a status report to the initiating Commission shall be given within 90 days of receipt and that acknowledgement of such proposal shall be given to the initiating Commission within ten (10) days of receipt.

"(i) Each Commission shall have access to District government officials and to all District government official documents and public data pursuant to Commissioner's Order No. 71-370 that are material to the exercise of its development of recommendations to the District government.

"(j) On or before November 30 of each year, each Commission shall file an annual report with the Council of the District of Columbia, and the Mayor, for the preceding fiscal year. Such report shall include, but shall not be limited to:

"1. Summaries of important problems perceived by the Commission and in the order of their priority;

"2. Recommendations for actions to be taken by District government;

"3. Recommendations for improvements on the operation of the Commissions;

"4. Financial report; and

"5. Summary of Commission activities.

Minority reports may be filed.

"(k) Other than neighborhood or community enhancement campaigns, Commissions may operate programs only in conjunction with existing governmental activities, provided that such activities on behalf of the Commissions do not duplicate already available programs or services and further provided that the Commissions' programs are not conducted on a contractual basis with existing governmental agencies.

"(l) No Commission may solicit or accept funds from a Federal or District government agency or private source except as may be specifically and previously authorized by resolution of the Council; PROVIDED that, receipt of contributions of \$100 or less from a single contributor need not be approved by the Council.

"(m) Each Commission shall monitor complaints of Commission area residents with respect to the delivery of the District government services and file comments on same with the appropriate District government entity as well as the Council.

"(n) Each Commission shall develop an annual fiscal year budget request on forms to be provided by the Mayor prior to which, such budget shall be submitted to the residents of the Commission areas in March of each year for their review and comment. The final budget shall be submitted to the Council and

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to the Mayor on or before April 30 of each year, provided that submission on any different dates may be required to conform with the District of Columbia budget schedule.

"(o) Each Commission may, where appropriate, constitute the citizen advisory mechanism required by any federal statute (unless specifically prohibited by Federal statute).

"Internal Operating Structure of
Advisory Neighborhood Commissions"

"Sec. 14(a). Each Commission shall convene the residents of its Commission area at regular intervals at least four (4) times a year to hear resident views on problems in the Commission area and on proposed District government actions affecting said area. Resident views shall be incorporated in positions taken by the Commissions.

"(b) Each Commission shall generally meet at regular intervals not less than 9 (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 Council of the District of Columbia, the Executive Branch or any independent agency, board or commission, and recommendations thereof. Meeting places shall be varied so as to be held in all geographic areas of the Commission. The Commissions may establish such mechanisms as will ensure the broadest dissemination of

information with respect to the Commission meetings, positions and actions.

"(c) No less than seven (7) days notice shall be given by each 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 two (2) conspicuous places in each single-member district within the Commission area.

"(d) Each Commission shall establish rules governing its operation and internal structure.

"(1) These rules shall include a statement of Commission responsibilities, voting procedures, the establishment of standing and special committees, the manner of selection of chairpersons and other officers, procedures for prompt review and action on committee recommendations and procedures for receipt of and action upon constituent recommendations at both the single-member district and Commission levels. Said rules shall be consistent with the provisions of this act and other applicable laws and shall be a public document.

"(2) An up-to-date copy of each Commission's rules and all amendments thereto shall be filed with the Council of the District of Columbia within seven (7) days of their initial adoption. No Commission shall be entitled to incorporation, provided that no member of the Commission may be liable for

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action taken as an elected representative from a single-member district.

"(e) Each Commission shall elect from among its members a chairperson, a vice-chairperson, a secretary, a treasurer and such other officers as may be necessary from among the Commission members in January of each year, except that elections for the first officers shall be held at a meeting not later than 30 days following the certification of a majority of the members of a Commission by the District of Columbia Board of Elections and Ethics. No chairperson may serve more than two (2) consecutive terms. The chairperson shall serve as the convenor of the Commission and shall chair the Commission meetings. The vice-chairperson shall fulfill the obligations of the chairperson in his absence. The views or recommendations of any Commission shall be presented by its officers or elected representatives from the single member districts. Where not otherwise provided, the procedures of the Commission shall be governed by Robert's Rules of Order.

"(f) Chairmanship of each Commission committee or task force shall be open to any resident of the Commission area. The chairperson of each such committee or task force shall be appointed by the Commission. Each 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, religious or economic status.

"(g) Each Commission shall be subject to the provisions of section 742(a) of the District of Columbia Self-Government and Governmental Reorganization Act.

"Relationships of Advisory Neighborhood

Commissions with Governmental

and Private Entities

"Sec. 15(a). Commissions may hold joint meetings 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. Joint Commission meeting's 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 Commission meeting held prior to such joint meetings. Commission members shall reflect but shall not necessarily be bound by the views of their Commissions. Associated Commissions shall have no power other than those which their constituent Commissions shall have agreed upon not inconsistent with the provisions of this act. All associated meetings of Commissions shall be open and at least 14 days notice shall be given by posting written notices in at least two conspicuous places in each single-member district of the

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Commissions. Discussions and voting at such meetings shall be limited to the Commission members.

"(b) Each Commission may involve representatives of other neighborhood groups in the work of its standing or special committees.

"(c) The Mayor shall appoint a service area coordinator for each ward who shall act as the chairperson of the Service Area Committee in that ward and shall coordinate all District government services at the ward level to residents of the ward. The head of each District government department or agency which delivers services at the ward level shall appoint a service area manager who shall oversee the day-to-day operations of the department or agency within the ward and shall represent that department or agency on the Service Area Committee of that ward. The service area coordinators and managers shall work closely with the Commissions in their service area ward and shall provide them with any technical assistance necessary to the performance of their duties and responsibilities.

"(d) The Mayor shall, in carrying out the provisions of section 15(c), utilize the existing positions of the District government and nothing in this act shall be construed to authorize the Mayor to hire additional staff to carry out the provisions of this section.

"(e) Whenever a District agency is required to establish a citizen's advisory mechanism, appointments to that mechanism shall be made in such a manner as to ensure as far as possible the equal representation on the mechanism of each electoral ward, PROVIDED that, members of the advisory mechanism possess skills relevant to the tasks for which the advisory mechanism was established and, in the event that the size of the advisory mechanism requires the appointment of more than one person per ward, ward appointments shall be made in such a manner so as to ensure as far as possible a fair representation of each Commission area.

"Fiscal and Administrative Procedures of
Advisory Neighborhood Commissions

"Sec. 16.(a). Each Commission shall receive an initial allocation pursuant to section 738(e) of the District of Columbia Self-Government and Governmental Reorganization Act on March 15, 1976, or when appropriated by Congress, whichever is later. Thereafter, on October 1 of each year, each Commission shall receive an allocation annually under section 738 of the District of Columbia Self-Government and Governmental Reorganization Act, except that, if the Budget and Revenue acts for that fiscal year have not become effective as of that date, then each Commission shall receive quarterly allocations under a continuing resolution. Each Commission shall by resolution designate a

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financial institution in the District of Columbia as a depository into which it shall deposit all funds it receives. Disbursements of all funds shall be in accordance with District government accounting procedures.

"(b) The Commission treasurer shall be bonded and the financial accounts of each Commission shall be audited at least once every two years by the District of Columbia Auditor.

"(c) All employees of a Commission shall be hired by the Commission and shall serve at the pleasure of the Commission.

"(d) Each Commission shall establish position descriptions for its employees. Employees may be hired on a full-time or part-time basis and for an indefinite or for a definite term. Persons hired by the Commission shall meet the qualifications established in the job description.

"(e) Each Commission shall prepare and approve a quarterly financial report. These reports shall be public documents and shall be available for public inspection.

"(f) Commissions within a ward may pool their funds in accordance with agreements adopted by their constituent Commissions."

Sec. 3. The provisions of this act shall become effective as provided by section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

From the Reader of the Conference on Alternative State & Local Public Policies held June 10-13, 1976 in Austin, Texas. The reader was edited and compiled by Derek Shearer, California Public Policy Center Los Angeles, California and Lee Webb, Professor of Public Policy, Goddard College Plainfield, Vermont.

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