

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

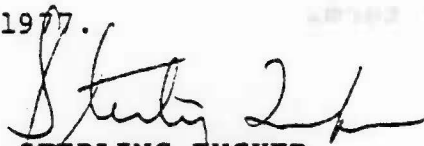
October 4, 1977

D.C. Law 2-16

"Advisory Neighborhood Commissions  
Act of 1977".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, (PL 93-198) the Act, the Council of the District of Columbia adopted Bill No. 2-77 on first and second readings May 17, 1977 and May 31, 1977, respectively. Following expiration of the ten-day period provided the Mayor, in which no action was taken, pursuant to Section 404(e) of the Act, this legislation was assigned Act No. 2-49, published in the July 8, 1977, edition of the D.C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c) (1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired and, therefore cites the following legislation as D.C. Law 2-16, effective September 20, 1977.

  
STERLING TUCKER  
Chairman of the Council

(Vol. 24, D.C. Register, 223, July 8, 1977)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 1977

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To provide for the appointment of individuals to fill vacancies on Advisory Neighborhood Commissions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Neighborhood Commissions Act of 1977".

Sec. 2. The Advisory Neighborhood Councils Act of 1975, effective October 10, 1975 (D.C. Law 1-21) is amended as follows:

(a) Section 2 is renumbered subsection 2(a) and a new subsection 2(b) is added to read as follows:

"(b) Definitions. For the purposes of this act:

"(1) The term 'removal' means the process by which the qualified electors of the District of Columbia may call for a vote of an Advisory Neighborhood Commission to remove or retain one of its members prior to the expiration of his or her term.

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"(2) The term 'appointment procedure' means the process by which a vacancy on an Advisory Neighborhood Commission may be filled."

(b) Section 8 is amended as follows:

(1) subsection (c) is amended to read as follows:

"(c) No member may represent a Single Member District for more than two (2) consecutive terms, except that the portion of a term served by a member as the result of a special election or as the result of an appointment to office shall not be considered in computing the two (2) consecutive terms."

(2) subsection (d) is amended to read as follows:

"(d) (1) Whenever any vacancy in office due to death, resignation, failure to continue the qualifications for office under section 6 (a) of this act, or removal exists within an Advisory Neighborhood Commission, such vacancy shall be filled pursuant to subparagraph (5) of this subsection (d).

"(2) Within sixty (60) days of the date that the Board of Elections and Ethics declares, by publication in the District of Columbia Register, that such a vacancy exists, the Office of the Advisory Neighborhood Commission

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wherein the vacancy exists shall fill such vacancy by the appointment procedure of paragraph 8(d)(5) of this act.

"(3) Said individual shall meet the qualifications set forth in section 6(a) of this act.

"(4) Said individual shall fill such vacancy until a successor has been certified and sworn in pursuant to section 8(b) of this act.

"(5) Within five (5) working days (excluding Saturdays, Sundays, and legal holidays) after the date that the Board declares such vacancy by publication in the District of Columbia Register, the Board shall make available petitions for the purpose of obtaining the signatures of registered electors within the respective Single Member District. Within thirty (30) days individuals interested in filling such vacancy shall submit a petition to the Board containing the signatures of thirty-five (35) of the registered electors within the Single Member District. The Board after a ten (10) day challenge period shall transmit a list of the names of individuals qualifying for appointment to the respective Advisory Neighborhood Commission. The Advisory Neighborhood Commission shall appoint, after a public hearing and any other efforts designed to elicit the preference of the voters of the affected Single Member District, by majority vote of the

remaining members, an individual from the said list to fill the vacancy at its next regular meeting."

(3) A new subsection (f) is added to read as follows:

"(f) (1) Any member of an Advisory Neighborhood Commission who resigns from the Single Member District from which he or she is elected shall submit a copy of the letter of resignation to (A) the Board of Elections and Ethics, (B) the Central Advisory Neighborhood Commissions Office, and (C) the Chairperson of the member's Advisory Neighborhood Commission. The District of Columbia Board of Elections and Ethics shall then declare the vacancy as prescribed in section 8(d) of this act.

"(2) When a vacancy occurs on an Advisory Neighborhood Commission and no letter of resignation is submitted as required by subparagraph (1) of this section the respective Advisory Neighborhood Commission shall petition the District of Columbia Board of Elections and Ethics, by a resolution signed by the Chairman and the Secretary of the Advisory Neighborhood Commission, to declare the vacancy. The resolution, accompanied by minutes of the meeting at which the resolution was adopted and a list of those attending the meeting, shall be sent to: (A)

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the District of Columbia Board of Elections and Ethics and  
(B) the Central Advisory Neighborhood Commissions Office.

"(3) (A) Any qualified elector may, within a ten (10)-day period, challenge the validity of the resolution filed under subsection (2) of this section, by a written statement duly signed by the challenger, filed with the District of Columbia Board of Elections and Ethics and specifying concisely the alleged defects in said resolution. A copy of the challenged statement shall be sent by the District of Columbia Board of Elections and Ethics to the Chairperson of the petitioning Advisory Neighborhood Commission.

"(3) The District of Columbia Board of Elections and Ethics shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged resolution not more than thirty (30) days after the challenge has been filed. Within three (3) days after the announcement of the determination of the District of Columbia Board of Elections and Ethics with respect to the validity of the resolution either the challenger or the affected Single Member District Commissioner may apply to the District of Columbia Court of Appeals for a review of the reasonableness of such determination.

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"(C) The District of Columbia Court of Appeals shall expedite consideration of the determination. The decision of such Court shall be final and not appealable.

"(D) If the resolution is found to be valid, then the District of Columbia Board of Elections and Ethics shall declare the vacancy as prescribed in section 8(d) of this act."

(4) A new subsection (g) is added to read as follows:

"(g) (1) Any member of an Advisory Neighborhood Commission may be removed by the registered electors of the Single Member District from which he or she was elected, whenever a petition demanding his or her removal signed by ten (10) percent of the registered electors, thereof, is filed with the Board. The number of registered electors which is used for computing this requirement shall be according to the latest official count of registered electors by the Board which was issued thirty (30) or more days prior to submission of the signatures for the particular recall petition. The Board, after a ten (10) day challenge period, shall certify and forward the petition to the respective Advisory Neighborhood Commission which shall decide, by a majority vote, to remove or retain the

member to which the petition refers. Such action shall be expressed in the form of a resolution of the respective Advisory Neighborhood Commission signed by the Chairman and the Secretary. Said resolution, accompanied by minutes of the meeting at which the resolution was adopted and a list of those attending the meeting at which the resolution was adopted, shall be sent to: (A) the Board of Elections and Ethics and (B) the Advisory Neighborhood Commission Office. The Board of Elections and Ethics, after a ten (10) day challenge period shall then declare the vacancy as prescribed in section 8(d) of this act.

"(2) A member of an Advisory Neighborhood Commission may not be removed within the first six (6) months nor the last six (6) months of his or her term of office nor within six (6) months after an attempted removal procedure has been determined in his or her favor."

Sec. 3. This act shall take effect as provided for acts of the Council of the District of Columbia in section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.



RECORD OF OFFICIAL COUNCIL ACTION

Docket No: 2-77

First Reading Action: 5/17/77

VOICE VOTE: Adopted Unanimously

Robert C. Williams  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SACKLETON									

X—Indicates Vote    A. B.—Absent    N. V.—Not Voting

\_\_\_\_\_  
Secretary to the Council

Amended First Reading Action: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SACKLETON									

X—Indicates Vote    A. B.—Absent    N. V.—Not Voting

\_\_\_\_\_  
Secretary to the Council

Final Reading or Emergency Action: 5/31/77

VOICE VOTE: Adopted Unanimously

Robert C. Williams  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DIXON					SACKLETON									

X—Indicates Vote    A. B.—Absent    N. V.—Not Voting

\_\_\_\_\_  
Secretary to the Council

Docket No: 2-77

Presented to the Mayor: 6/7/77

Robert Williams  
Secretary to the Council

I hereby certify that Council Bill 2-77 was presented to the Mayor of the District of Columbia on June 6, 1977 and that the Mayor neither approved nor disapproved the bill within the ten day period specified in Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 of December 24, 1973.

Robert Schaller for  
Martin N. Schaller, Executive Secretary, D.C.

June 23, 1977  
Date

Council Reenactment: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	ATE	NAT	N.V.	A.B.	COUNCIL MEMBER	ATE	NAT	N.V.	A.B.	COUNCIL MEMBER	ATE	NAT	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, I.					WINTER				
CLARKE					ROLARK									
DIXON					SICKLETON									

I—Inclusion Vote    A. B.—Absent    N. V.—Not Voting

\_\_\_\_\_  
Secretary to the Council

Presented to the President: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

Action of the President: \_\_\_\_\_

Reenactment Approved

Mayor's Veto Sustained

\_\_\_\_\_  
President of the U. S.

Submitted to the Congress: \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council

Senate Action: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

House Action: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Clerk of the House

Enacted Without Congressional Action: \_\_\_\_\_

D. C. Law No. \_\_\_\_\_ Effective Date \_\_\_\_\_

\_\_\_\_\_  
Secretary to the Council