

BY-LAWS OF THE MOUNT PLEASANT ADVISORY NEIGHBORHOOD COMMISSION ANC-1D

Adopted July 18, 2000

Revised By-Laws Adopted January 6, 2003

Amended April 7, 2003; October 6, 2003; January 10, 2005; May 23, 2005; December 6, 2005; April 2, 2008; June 21, 2011; January 29, 2013

PREAMBLE

In accordance with the provisions of the Duties and Responsibilities of the Advisory Neighborhood Commissions Act of 1975, as amended, we, the duly elected members of the Advisory Neighborhood Commission in area 1D of Ward 1, do hereby establish these By-Laws for the Commission.

ARTICLE I - NAME AND GEOGRAPHIC BOUNDARIES

The Advisory Neighborhood Commission (hereinafter referred to as the "Commission") as established by the ANC Establishments Resolution (Resolution 1-153) in area 1D of Ward 1, as designated by the Advisory Neighborhood Commissions Act of 1975 (D.C. Law No. 121), as amended, shall be known as the "Mount Pleasant Advisory Neighborhood Commission."

The boundaries of ANC 1D are as specified by the Advisory Neighborhood Commissions Boundaries Act of 2012 (DC Law 19-0157): "All streets are located in the Northwest quadrant. Beginning at the intersection of Rock Creek and a line extending Piney Branch Parkway from the east; East along said line extending Piney Branch Parkway to Piney Branch Parkway; Continuing east on Piney Branch Parkway to 16th Street; South on 16th Street to Harvard Street; West on Harvard Street to its end; Continuing west along a line extending Harvard Street to the west to Rock Creek; North along Rock Creek to its intersection with a line extending Piney Branch Parkway from the east, the point of beginning."

ARTICLE II - DUTIES AND RESPONSIBILITIES

The Commission has the responsibility to advise the Council of the District of Columbia, the Mayor, and each executive or independent agency of the government of the District of Columbia on such matters as comprehensive plans, grant applications, planning, streets, recreation facilities, social service programs, licenses, education programs, health, safety and sanitation.

The Commission will refer the complaints of Commission area residents concerning delivery of government services to the appropriate agencies.

In performing such functions it may, from time to time, initiate and operate informational and other types of programs or projects which are not prohibited by law.

ARTICLE III - MEMBERSHIP

Section 1. The Commission is composed of those members of Mount Pleasant neighborhood without regard to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, disability, matriculation, or political affiliation, certified by the Board of Elections and Ethics as having been duly elected from the Single Member Districts that were established by resolution of the Council of the District of Columbia.

Section 2. Each Commission member will serve a two-year term beginning at noon on the second day of January following the date of the election of the member of the Commission.

Section 3. All members of the Commission serve without compensation.

Section 4. Vacancies in office are to be filled in the manner prescribed in the District of Columbia Code § 1-309.06(d).

ARTICLE IV - SELECTION OF OFFICERS

Section 1. For the election of officers, a quorum is a majority of the seated Commissioners. A Chairperson, Vice-Chairperson, Secretary, and Treasurer are the officers of the Commission.

Section 2. The names of the candidates for office must be offered from the floor. Only Commission members may nominate and be nominated. Nominations for an office will proceed in the following order: Chairperson, Vice-Chairperson, Secretary, Treasurer.

Section 3. The candidate who receives a majority of the votes cast wins the election. If, however, on the first ballot no candidate receives that majority, then the Commissioners will vote a second time, after a round of statements from the candidates. If again no candidate receives a majority vote, then the following procedures will be followed:

3a. If there are three or more candidates, the candidate with the fewest votes will be eliminated. If there is no one candidate with the fewest votes, then the Commission will choose among those with the fewest votes to determine which one will continue. The Commission will then vote on those remaining, after an opportunity for the remaining candidates to make statements.

3b. If two candidates are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position, then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question, then the candidate with recent continuous seniority as ANC Commissioner will take the first six months of the calendar year. If the two have the same time in office, then a coin toss will determine who takes the office for the first six months of the calendar year.

Section 4. Each officer of the Commission will be elected in January of each year and each officer serves a term which begins when elected and ends at the election of his or her successor.

Section 5. Vacancies among officers, with the exception of the Treasurer, are to be filled in the manner prescribed in Article IV, Sections 1 through 3 of these By-Laws at the first regular meeting of the Commission after the occurrence of the vacancy. An acting officer may be elected from the remaining Commissioners until a newly elected Commissioner is certified by the Board of Elections and Ethics.

Section 6. A vacancy in the office of Treasurer shall be filled by the procedures of this Article at a special meeting of the Commission, convened as soon as practicable after the occurrence of the vacancy.

ARTICLE V - REMOVAL OF OFFICERS

Section 1. For the removal of officers, a quorum will be four commissioners.

Section 2. Officers may be removed from office only after a majority vote held at a regularly scheduled public meeting. The vote for removal must be announced at least 30 days prior to the scheduled meeting.

Section 3. A vote for removal of an officer may be scheduled if an officer is not fulfilling the duties of the office as prescribed in Article IV, or is not in compliance with other statutes governing Advisory Neighborhood Commissioners, or has been convicted of certain felonies, or has been found by a final order or judgment of any court to have breached any duty under the District of Columbia Code.

ARTICLE VI - DUTIES OF OFFICERS

Section 1. The Chairperson shall serve shall convene meetings of the Commission and shall preside over the Commission meetings. He or she may call additional Commission meetings and represent the Commission before any board, agency, body or person desiring or potentially benefiting from the Commission's views. The Chairperson is expected at all times to present the views of the Commission with respect to any matter on which the Commission has taken a position provided that such action has passed by a simple majority, requiring four "yes" votes. All other duties, actions and rights of the Chairperson shall be those expounded in Robert's Rules of Order Newly Revised, including the rights to engage in debate and to introduce motions.

Section 2. In the absence or temporary disability of the Chairperson, the Vice-Chairperson performs the duties of the Chairperson. He or she also performs such functions as may be delegated by the Chairperson. The Vice-Chairperson performs such other functions as may be prescribed by these By-Laws, or orders of the Commission.

Section 3. The Secretary, with assistance from the staff member, is responsible for the maintenance of orderly Commission records. He or she is responsible for preparing and distributing copies of the minutes of Commission meetings, receiving and preparing for transmittal correspondence and notices, and performing such other duties as the Chairperson or the Commission may prescribe. The Secretary shall maintain a complete file of all notices sent to the Commission by the District Government agencies, pursuant to D.C. Code §1-309.10(b) and of the Commission's reactions thereto and shall also maintain a record of recommendations or proposals initiated to all notices sent to the Commission by District Government agencies, pursuant to §1-309.10(b). Records of the Secretary's office shall be available for public inspection. The Secretary performs such other functions as may be prescribed by these By-Laws, or orders of the Commission.

Section 4. The Treasurer prepares quarterly financial reports for review by the Auditor and annual budget requests for review by the Mayor and Council of the District of Columbia; approves disbursement of all funds made by the Commission and keeps accurate records of the receipt and

disbursement of all Commission funds; and performs such other functions as may be prescribed by these By-Laws, regulations of the Auditors or orders of the Commission.

ARTICLE VII - MEETINGS

Section 1. Each new commission shall set at its first meeting an annual schedule of regular meetings for the commission. The time and place for these meetings shall be as consistent as possible

Section 2. Special meetings of the Commission may be called by a majority of members or by the Chairperson.

Section 3. No additional or special meetings may be held unless three Commissioners or the Chairperson so approve, setting forth the date, time, place and purpose of the scheduled meeting, and communicating such information to every member of the Commission. Notice will be posted in four conspicuous places in each SMD prior to meeting.

Section 4. A majority of the seated Commissioners constitutes a quorum.

Section 5. The Commission may meet with other Advisory Neighborhood Commissions, upon vote of the Commission, but opinions or decisions made by the body jointly meeting are not binding upon the Commission.

Section 6. Commission members who attend joint meetings must present the view of the Commission with respect to any matter on which the Commission has taken a position, provided that this provision is not construed to abridge the right of any member to express his or her own individual opinions.

Section 7. In the event of an imminent threat to or opportunity for the health and welfare of the community represented by ANC 1D, an informational meeting may be called by the Chairperson or a majority of the members without posting a notice of such a meeting in each SMD and without requiring a quorum of ANC members to be present. No votes or decisions may be taken at such an informational meeting. However, the information developed at such a meeting may be communicated to a regular meeting of the ANC for decisions and/or votes.

Section 8. The commission may meet in executive session at its discretion but may not make any decision at such executive meetings.

Section 9. Constituent recommendations may be received informally by the Commissioners, from residents of each Commissioner's single member district, or may be received by the Commission during the Community Forum period of each regular meeting. Constituent recommendations received by the individual Commissioners may be introduced, at the Commissioner's discretion, at the regular Commission meetings. Commissioners shall keep a record of all such recommendations, noting their disposition, whether introduced at a meeting of the full Commission or not. The Commission shall reply immediately to constituent recommendations introduced at a regular meeting, and keep a record of the disposition of such recommendations.

ARTICLE VIII - CONDUCT OF REGULAR AND TOWN HALL MEETINGS

Section 1. Every person must maintain proper decorum during meetings of the Commission. All participants must refrain from abusive, insulting or obscene language or behavior.

Section 2. No person gains the floor unless he or she has addressed and been recognized by the Chairperson, provided that no Commissioner may be denied the right to speak as allowed by these By-Laws.

Section 3. The Mayor, Delegate to Congress, a member of the Council of the District of Columbia, or a candidate for public office in the District of Columbia, may address the Commission during any period of any meeting as deemed appropriate by the Chairperson.

ARTICLE IX – VOTING PROCEDURES

Section 1. Voting by the Commissioners upon any matter shall be by voice vote unless the Commission votes (by voice) to conduct the vote by ballot. A “yes,” “no,” and “present” are the forms used for voting.

Section 2. All actions are passed by simple majority except that new business (defined as business not on the agenda) requires four “yes” votes to pass. Actions with tie votes are failed.

ARTICLE X. STANDING AND SPECIAL COMMITTEES

Section 1. Standing committees shall be established by the Commission at its first regular meeting.

Section 2. Members of standing committees shall be ANC 1D Commissioners.

Section 3. The Chairperson of each standing committee or task force shall be appointed by the Chairperson of the Commission with the approval of the Commission.

Section 4. Standing committees shall report at regular meetings as requested by the chair.

Section 5. In addition to these standing committees, the Commission may create, from time to time, ad hoc committees. Each such committee shall cease to exist upon completion of the task for which it was created.

Section 6. Members of the *ad hoc* committees must meet the same requirements as members of the standing committees.

Section 7. Committee recommendations shall be reviewed and acted upon prior to the close of the second regular meeting of the Commission after the formal reporting of such recommendations.

ARTICLE XI - FINANCIAL PROCEDURES

Section 1. Funds received by the Commission shall be placed in a checking and/or savings account which is in the name of the Commission in a financial institution in the District of Columbia. The place of depository should be currently insured by the National Credit Union Share Insurance Fund of the National Credit Union Administration, the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation.

Section 2. A check issued by the Treasurer must bear on the face of the check the name of the Commission, the sequentially ordered check number, the signatures of a) either the Chairperson or the Treasurer, and b) one other officer, the name of the payee and the amount of the check, as well as any other requirements of the District of Columbia Auditor. The Commission's checkbook shall be made available at all regular meetings of the Commission.

Section 3. The Treasurer shall maintain a record of all receipts and disbursements of funds. The records will also contain a brief explanation of every disbursement.

Section 4. Before disbursing any funds, the Treasurer must establish and maintain a file containing a voucher package in check-issued sequence. All vouchers shall have a certification by the receiver of goods or services that such goods or services have been received, the date of payment and the check number all entered on the invoice.

Section 5. The Commission may, notwithstanding other provisions of the By-Laws, establish a petty cash fund not in excess of \$200.

Section 6. The Treasurer shall prepare for review by the Commission quarterly financial statements which shall include by category a listing of individual receipts and individual disbursements. The report shall also show the beginning and ending cash balances for the quarter.

Section 7. Contributions to the Commission must be made by check or money order.

Section 8. Reimbursement to individual Commissioners shall not be made unless the expenditure has been approved by the Commission.

Section 9. The Commission office, and office supplies, shall be used exclusively for official Commission duties.

ARTICLE XII - PARLIAMENTARY AUTHORITY

Whenever not inconsistent with the Constitution or laws of the United States, or the Charter or laws of the District of Columbia, these By-Laws, special rules of order of the Commission, or decisions of the Chairperson, the latest edition of *The Standard Code of Parliamentary Procedure* to be authorized by the American Institute of Parliamentarians shall govern the Commission.

ARTICLE XIII - COMMUNICATIONS

Section 1. All written communications that could be construed to represent the views of the Commission must be approved by a majority of the Commission, and a copy must be placed in file.

Section 2. Written communication representing the views of a single Commissioner must state clearly that the communication does not represent the views of the full Commission, and a copy must be placed in file.

Section 3. All written communication using Commission letterhead, seal or facsimile thereof and generated by the Commission or a single Commissioner must be placed in file as a matter of public record.

Section 4. No written communication using the Commission letterhead, seal or facsimile thereof may contain abusive, insulting or obscene language or implication and must not in any way reflect poorly on the Commission.

Section 5. Commissioners' communications with any representative of the news media (television, radio or print) must clearly state whether views represented are views as approved by the full Commission or represent the views of the individual Commissioner. This provision is not intended to abridge the right of any member to express his or her own individual opinions.

Section 6. Commissioners' written or oral testimony before any City Council, Commission, Board, Committee, Agency or other government body must clearly state whether views represented are views as approved by the full Commission or represent the view of the individual Commissioner. This provision is not intended to abridge the right of any member to express his or her own individual opinions.

Section 7. The public policy of this commission is that all residents and persons with interests in Mount Pleasant are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The official acts of this commission are its final resolutions, written letters and testimony transmitted in pursuant to and authorized by those resolutions, and approved minutes and recordings of its public meetings. Handling of requests for copies of the official acts may be assigned to a member of the commission by the Chair, who will be considered as the Freedom of Information Officer. That officer may delay responding to a request until after the next regular business meeting of the commission.

Section 8. Individual commissioners are private persons, not public bodies. While elected officials, they are not employees of DC nor under the control of the ANC. Their personal papers and messages are not *per se* the affairs and official acts of this commission, and are entitled to normal constitutional protections. However, their written messages should make clear whether they are writing as an individual commissioner or pursuant to a duly-passed resolution of this commission. If the latter, then that message shall be deposited with the Secretary or in accordance with a procedure as the commission may direct for archiving official acts.

Section 9. Commissioners may voluntarily release their own written and electronic work product communications (except when dealing with a personnel or legal matter), but such a release does not establish a precedent that such communications must be released.

ARTICLE XIV -- GRANT POLICY

Section 1. The ANC shall at the end of the first quarter of each calendar year review its grant policy, including funding priorities for the year.

Section 2. All priorities, requirements and guidelines must meet those requirements of D.C. law as outlined in Attachment A. The program will be run by a paid grants manager whose impartiality is supported by being neither a 1D commissioner nor a current resident, nor an officer or board member of any established Mount Pleasant organization. The main purpose of the grants is to seed the search for outside grants based on small initial funding from ANC1D and the implicit commendation implicit in the receipt of the ANC grant. To this end, this purpose of maximum leverage, along with benefit to a maximum number of ANC1D residents, is to be used in selection. Grant requests may be received only from organizations proposing to provide services

that are public in nature and benefit persons who reside or work within the Commission area. The services proposed may not duplicate those that are already performed by the District government.

Section 3. The dollar amount in grants awarded during any one year shall not exceed 10 percent of the annual ANC allotment plus 20% of any carryover of funds at the start of the fiscal year. This amount shall be included as an expense item in the annual budget if grants are to be awarded. Grants exceeding \$500 require approval by a minimum of five commissioners. Grants of less than \$500, but of \$100 or more, require the approval of at least four commissioners. Grant requests shall be in electronic form, and shall include a description of the proposed project for which the grant is requested; a statement of expected public benefits; and the total cost of the proposed project, including other sources of funding, if any.

Section 4. The Commission shall issue requests for proposals once a year. Proposals will only be considered in response to this request and at the indicated time only. The grant announcement must be at least two months prior to the selection date. Proposals shall be received at least four weeks prior to the selection date, and shall be distributed to all commissioners at least two weeks prior to the selection date.

Section 5. Grants are made upon the condition that all receipts and a final report (acceptable by the grants manager) be submitted within 60 days of the announcement of the award.

Section 6. No member of a grants committee may apply for a grant, and each must recuse himself or herself from any consideration of a proposal in which he or she has a tangible interest.

Section 7. Upon adoption of this grant policy by a minimum of four commissioners, the commission may issue a one time request for proposals, notwithstanding other requirements of this article.

ARTICLE XV -- MISCELLANEOUS

Section 1. Revision of or amendments to these By-Laws requires the approval of a majority of seated commissioners.

Section 2. The Commission may not solicit or accept funds from the Federal or District government agency, except where specific authorization to do so is granted by resolution of the Council of the District of Columbia.

Section 3. The Commission may pool its funds with those of other Commissions located in Ward I on an issue-by-issue basis and determined by a majority vote.

Section 4. The Commission may petition the Council of the District of Columbia in the event that legal redress is desired.

Section 5. The Commission may not incorporate and may not join any incorporated organization.

Section 6. Employees of the Commission are hired by the Commission and serve at the pleasure of the Commission.

Section 7. Neither the Commission nor Commissioners may use the Municipal Corporate Seal of the District of Columbia on letterhead, business cards, nor any other printed matter.

Section 8. Data required for access to and modification of Internet sites serving the Commission, such as the login name and password for the on-line checking account, shall be provided for safekeeping to the Executive Director of Advisory Neighborhood Commissions by the Commissioner in possession of such data. Said Director is to provide these data to another ANC1D Commissioner upon receipt of a resolution passed in a public, properly noticed Commission meeting specifying the transfer.

ATTACHMENT A

Statutory Guidelines for ANC Grant Awards

I. Statutory Guidelines for Grant Awards

- D.C. Code, Section 1-309.13 authorizes ANCs to award grants to organizations for public purposes.
- A Commission must adopt guidelines for the consideration and awards of grants. The guidelines should include procedures that a proposed grantee must follow in order to present a written and oral grant request to the Commission at a public meeting of the Commission.
- A grant request may be received from an organization proposing to provide services that are public in nature and benefit persons who reside or work within the Commission area. The services proposed should not duplicate those that are already performed by the District government.
- Expenditures for grant awards should be approved by documentation (i.e. vouchers, grant request letter and/or proposal, and minutes of the meeting in which the Commission approved the grant).
- Grant disbursements should be included in quarterly financial reports submitted to the Office of the District of Columbia Auditor.
- Within a reasonable period after the grant award is disbursed to the grantee, the Commission should determine that grant funds were used specifically for the purpose approved by the Commission.

II. Purposes for Which Grants Are Allowed

- Parent-Teacher Associations to fund such activities as computer literacy programs, musical instruction programs, or local cultural education field trips.
- Neighborhood Civic Associations for projects of activities of a public nature that benefit the Commission area.
- Other purposes as established by the grant policy and allowed by the District through §1-309.13(m).

III. Purposes for Which Grants Are Prohibited

- Grant awards should not be made for non-public purposes or where services are provided for personal gain.

- Grant awards should not be made conditional on a grantee's political support or support of a position taken by the Commission.
- Grant awards should not be made to a District agency or agency program funded by the District Government.
- Grant awards should not be made where the funds will be used for food and/or entertainment purchases.
- Grant awards should not be made to an individual in that they are deemed a non-public expenditure.