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Government of the District of Columbia  
**ADVISORY NEIGHBORHOOD COMMISSION 5C**

PO Box 77761 Washington, DC 20013  
www.anc5c.org

Deborah L. Smith  
2826 6th Street, NE  
Washington, DC 20002

March 17, 2009

Dear Ms. Smith:

The Advisory Neighborhood Commission 5C is in receipt of your formal written request. Your request for a scheduled meeting has been granted today at this, the regularly scheduled March 2009 meeting of ANC 5C. Mr. Gottlieb Simon, Executive Director of the OANC was made aware of your request and received a copy of your letter. Mr. Gottlieb sends his regrets but he is unavailable to attend tonight's meeting, due to a conflict in another ward; he must conduct an election tonight. He is aware of the responses outlined here. You will see in attendance a quorum of the Commissioners of ANC 5C.

Therefore, this is your written response from the Commission addressing your items of the letter dated March 2, 2009.

1. Determine whether or not proper notice was provided for the public meeting held in January 09.

Response: Public notice was given and proper notification was made to the public via listservs, ANC 5C Website, and Commissioner mailings, members of the public attended the meeting. It has been noted by the Chair and spoken to on several occasions with the Commissioners; this Commission acknowledges the need to provide better notice via "sending paper notice" to community members that do not use e-mail.

2. Ascertain the knowledge base of the Commission on how to dispose of government property in the proper way regardless of depreciation and usefulness.

Response: This Commission is aware of how fixed assets are accounted for by the District of Columbia's, Office of Contracting and Procurement Personal Property Division. It is the OANC who is responsible via the Treasurer's Quarterly reports to track fixed assets. Once an asset is deemed un-useful, a property disposal action form is filed along with the equipment to be retired.

3. Allow for discovery of meetings that were held outside of a public forum; and what discussion occurred and/or votes that took place without public knowledge.

Response: It is the belief that you are referring to the District of Columbia's "Sunshine" law, Home Rule Charter, Section 742. " All meetings (including hearings) department, agency, board, or Commission of the District Government including meetings of the Council of the District of Columbia, at which official action of any kind is taken shall be open to the public. No resolution, act or other official action shall be effective unless taken, made, or enacted at such meeting." It should also be noted that when the law refers to "open meetings" it is ...indicat[ing] "that official business referred to by ANC law, [which] is [specifically] zoning and ABC matters."

It should be pointed out clearly from page 35 of the ANC handbook:

This section is sometimes misunderstood. It does not ban Commissioners from meeting privately. In some jurisdiction, elected officials may never meet privately. This is not, however, what the District's law says. Commissioners may meet privately to discuss what items to put on the agenda or to share ideas about agenda items. However, no votes may be taken and no "official" decisions may be taken at such closed sessions...It is "ok" to take administrative actions such as decide what room to hold a monthly meeting in, what color paper to print the agenda on, or where to post the meeting notices.

Therefore, Commissioners are free to have private meetings and not share those discussions with the public. Furthermore, at no time during the 2007-2008 term, or the now 2009-2010 terms have there ever been votes outside of a properly publicly noticed meeting.

4. Understand why the Eckington community has not been provided the check to perform the survey needed to move forward on their Wi-Fi project that was requested months ago.

Response: As long as proper grant forms have been received and proper id of grantee's status has been provided to the Treasurer, the check is available.

5. Who has, in their Executive capacity the responsibility to ensure that the inner workings of the Commission are being performed?

Response: Roles and responsibilities are outlined in the by-laws of the ANC and specifically 5C's. However, the heart of your question...it is customarily the function of the Chair.

6. Determine if all ANC's are being given copies of all documentation, ex: All correspondence received from the auditors office; any request for response from the Commission.

Response: This Commission can only speak for the years we have sat, and for that time we have received various information from many government agencies. We are in the process of making copies of those documents available on our website, however it may not contain an extensive library due to space capacity and costs. As for the rest of the ANC's, it is a question you should direct to the OANC and to the Committee of the OANC Chaired by Council Alexander.

7. Request Commissioner Daneker to produce the numerous repetitive emails that he states he has corresponded with me regarding issues.

Response: The Commission would refer to question #3, in which this Commission responded to issues around the “Sunshine” law, where as “Commissioners are free to have private meetings and not share those discussions with the public.” It is therefore outside the powers of this Commission to make such a request of Commissioner Daneker.

8. Provide a copy of all documentation for the last two years from the Auditor’s office and ascertain when the information will be placed on the website.

Response: This Commission cannot provide information on behalf of the District’s Auditor. You must make that request from that agency. Two years worth of Auditor records will be a large task for them to complete. We can make available for you to review a copy of the Letter Report: Audit of Advisory Neighborhood 5C for fiscal years 2005 through 2007 as of March 31, 2007, dated September 28, 2007. As for the website, it is a work in progress and we have a committee Chaired by Commissioner Salatti who is working on getting many materials on the website, which is a public service, not a requirement by law.

9. Have a transparent ANC where by videotaping and recording all meetings and to have it up on the website.

Response: Law does not require it, nor has this ANC enacted any such amendment to its bylaws requiring the videotaping or recording of the Commissions meetings. Our website is again, a work in progress.

10. Determining the status of all archived information and starting the process of the website.

Response: No determination of the status of archived information has been made. As we have responded, this Commission is working on developing a better, more friendly and responsive website. Whereas the website’s archive feature may be paramount to you, it is not the number one priority of this Commission. We are sure to provide the public with periodic updates on this fine committee’s work and progress on the website in the near future.

This Commission would like to thank you for your formal request and we entrust that the response not only satisfies your questions, but also puts to rest any fears you may have. This Commission can assure you and the public that the business of 5C is being conducted well and in the best interest of the people it represents.

District of Columbia Agency

Contracting and Procurement, Office of	(202) 727-0252
Office of the Auditor	(202) 727-3600
Office of the Inspector General	(202) 727-2540
Office of Advisory Neighborhood Commissions	(202) 727-9945
Metropolitan Police Department	311
Council of the District of Columbia	(202) 724-8000
Attorney General, Office of the	(202) 727-3400

US Government

FBI, Washington Metropolitan Field Office	(202) 278-2000
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