Charter 738 News*

*Did you know ANCs were created in Section 738 of the DC Charter?

Newsletter of the Office of ANCs

OB

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Introducing Andrew Gerst, OANC Land Use Attorney

Andrew Gerst started with the Office of Advisory Neighborhood Commissions in February 2024 as an attorney advisor, with a specific focus on land use issues. He has over 20 years of experience working in the District of Columbia government, and previously served as Legislative and Policy Analyst at the D.C. Department of Public Works (DPW). While at DPW, Andrew prepared written comments on behalf of the agency regarding

applications at the Board of Zoning Adjustments for special exception relief and variances, and the Zoning Commission regarding such issues as Planned Unit Developments (PUDs).

A native of northern New Jersey, Andrew holds a B.A. in political science and a master's degree in public administration (M.P.A.). After graduate school, Andrew earned a juris doctor (J.D.) from the Howard University School of Law and a Master of Laws (LL.M.) in constitutional law from the George Washington University Law School.

A resident of Ward 2, Andrew is married to a schoolteacher who teaches piano to young children and has a stepdaughter in college. In his spare time, Andrew plays soccer in the area co-ed leagues and enjoys reading, watching sports and news programs, traveling, spending time outdoors, and rooting for his New York Yankees.

Andrew can be reached by phone at (202) 299-2003 or by email at Andrew.gerst1@dc.gov.



Training -FOIA for ANCs Thursday, March 21st - 1 pm - 3pm

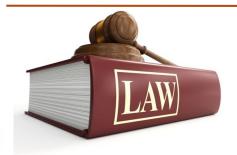
Join the Office of Open Government (OOG) as they provide training to ANC Commissioner regarding their obligations under FOIA. Participants are encouraged to register in advance here. After registering, you will receive a confirmation email

containing information about joining the meeting. The webinar will be recorded, however the OANC strongly urges ANC Commissioners to attend.



The Treasurer and Chairperson Guidance

The slide deck from the March 2, 2024, Treasurer and Chairperson Training can be found by following this <u>link</u> and a recording can be found <u>here</u>. The slide deck covers financial policies and procedures; the ANC Technical and Expert Assistance Funds; and clarification on grants and direct expenditures.



Legal Lingo

Brought to you by Kathy Williams, Special Assistant to the Executive Director and Denise Wiktor, General Counsel

Understanding the Consent Agenda

The OANC has received several inquiries about voting on what to place on the consent agenda before the regular meetings.

Consent Calendars/Agendas are intended to help a body (an ANC) approve several non-controversial items with a single vote and without discussion. This is possible because the items are routine, lower level, and/or do not require discussion. Items recommended for a consent calendar include letters of support, approval of the prior month's minutes, or even unsolicited letters to DC agencies.

Items that require discussion should not be on the consent calendar, as the consent calendar is approved *en bloc*. Items that **are not** ideal for a consent calenda are budget/spending approval, ANC responses to BZA and Zoning cases, or ANC responses to DC Government requests for ANC input as examples. The D.C. Code §1-309.10(n) requires budgets to have public comment.

Items are placed on the consent agenda often by discussion at an ANC's Committee of the Whole (COW) or administrative meeting. A general consensus can be reached, or the Secretary can take a sense of the meeting and place items on the consent agenda when it is prepared. The check and balance here is that when the ANC votes to approve the agenda at the beginning of the monthly meeting, any Commissioner can request that any item on a consent calendar be removed and placed on official business for discussion before the agenda is approved.

A vote to place items on the consent agenda at the COW or administrative meeting is not appropriate and could affect the great weight given the ANC decision. The only place an official action should occur is at a public meeting. Since a COW or an administrative meeting contains a quorum of commissioners, a vote can be perceived as an official action outside of the appropriate meeting. Additionally, committees are specifically prohibited from taking official action. D.C. Official Code 1-309.11(f)(1) For example, if a vote is taken on a zoning matter and it is placed on the consent agenda, then arguably the official action occurred outside of the noticed public meeting since placing an item on the consent agenda means a vote was taken on the merits of a position. That is, all the commissioners present voted that they took a particular position, and that agreement places it on the consent agenda. It could be argued at a zoning hearing that the decision was not properly noticed and voted on and therefore should not be given great weight.