



Legal Lingo

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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 calendar 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.