

# Charter 738 News\*

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

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Newsletter of the Office of ANCs



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## *Introducing Erik Meltzer, OANC Training Specialist*

Erik Meltzer joined the OANC in June 2024. A District resident since 2011, Erik has worked as a technology consultant at television news networks around the world, where he created and provided robust software training programs. Erik will be transforming the dissemination of information to ANC Commissioners by building a comprehensive and user-friendly platform.

A Pennsylvania native, Erik holds a B.S. in Broadcast Journalism from Emerson College. He's a resident of Northwest DC who loves frequenting restaurants in Georgetown, Adams Morgan, and Columbia Heights, and riding his electric scooter around the National Mall. Erik can be reached by phone at (202) 615-2541 or by email at [erik.meltzer@dc.gov](mailto:erik.meltzer@dc.gov).

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## *Did You Know that Enrollment in Capital Bikeshare is FREE for ANC Commissioners?*

Ready to ride? Here's what you need to do:

1. Go to [capitalbikeshare.com](https://capitalbikeshare.com) and login or sign with your phone number and DC gov email address.
2. Choose Annual Membership.
3. Enter or choose payment option and select **Student or Corporate discount**.
4. Enter program code **DCGBikes2834** into popup.
5. Finish checkout.



## *How to Submit an International Travel Request?*

For Advisory Neighborhood Commissioners who may travel outside of the United States during their service, you will want to submit a request for access **two (2) weeks in advance of your travel**. Please list the Executive Director of the OANC, Kent Boese, as the approving manager for your requests. Two-factor authentication is also required on a mobile device if it hasn't already been installed to access any DC.GOV resources. Instructions on how to fill out the request and how to set up an MVA verification can be found [here](#).



# Legal Lingo

Brought to you by  
Denise Wiktor, General Counsel

## Latest BEGA Opinions

BEGA has issued a draft Opinion on what types of sign-on letters a Commissioner may sign on to. In summary, they opine that it is appropriate to sign on to something that directly has to do with ANC business, and they do not consider national or international issues to be ANC business. The comment period ends on August 12, 2024, and comments may be made to [bega@dc.gov](mailto:bega@dc.gov). You can find the letter [here](#).

BEGA has also issued a draft update of its Opinion on social media use by elected officials and D.C. Government employees to reflect the recent opinion by the Supreme Court in *Lindke v. Freed*. The comment period ends August 12, 2024. Comments may be made to [bega@dc.gov](mailto:bega@dc.gov). You can find the letter [here](#).

## Voluntary Agreements

The OANC has compiled all the Voluntary Agreements for Alcohol and Cannabis issued this calendar year. They will be put on the OANC website but until then, you can request samples from either [Denise.Wiktor@dc.gov](mailto:Denise.Wiktor@dc.gov) or [Andrew.Gerst@dc.gov](mailto:Andrew.Gerst@dc.gov).

## Minutes vs. Transcripts

ANCs are required to keep both minutes and transcripts of their meetings under two different sections of the D.C. Code. When is each one required and what meets the requirements under the Code? What are some best practices. The OANC has prepared a paper on the topic which you can find [here](#).

## Community Benefit Agreements

Has your ANC executed a Community Benefit Agreement with a Developer or property owner? The OANC would like to put together a database of such agreements. While we can find some through the Office of Zoning not all such agreements are part of the record. Please share your agreements with us as an aid to other ANC's, no matter how old. Send them to [Andrew.Gerst@DC.gov](mailto:Andrew.Gerst@DC.gov).

## Technical Assistance and Expert Assistance Funds

A reminder that these funds are here for you. The Technical Assistance Fund is need based depending on an ANC's financial resources while the Expert Assistance Fund is not. These funds are here for specific purposes, to assist ANC's with technical needs and expert needs. Expert funds have been used this year for sound measurements for an ABCA license and attorneys for negotiating community bases agreements with a developer.



## *Kathy's Korner*

*Brought to you by Kathy S. Williams, Esq.  
Special Assistant to the Executive Director of the  
Office of Advisory Neighborhood Commissions*

### *The Oath of Office*

You decide that you can make a difference in this city. You obtain petitions. You collect signatures. You campaign. You submit signatures. You file the necessary documents with the appropriate offices. You continue to campaign. Your name is placed on the ballot. You and your supporters vote. You win. You are certified. Congratulations, Commissioner-Elect!

That's right. You are not yet the legally elected Advisory Neighborhood Commissioner (Commissioner). After all your hard work, you are now faced with the most important last step. You must take the Oath of Office.

The Oath of Office cannot be overlooked. You cannot legally negotiate on behalf of your constituents unless you take the oath of office. You cannot discuss matters before the Advisory Neighborhood Commission (ANC) unless you take the Oath of Office. You cannot vote in your ANC meetings unless you take the Oath of Office.

For your information, the DC City Council takes this same position regarding its Oath of Office. In its *Rules of Organization and Procedure*, the DC City Council states:

"On January 2<sup>nd</sup> of each odd-numbered year, a Councilmember whose term of office begins at that time shall take and subscribe an oath of office[.]"

Article II.A., Sec. 201(a) (Council Period 25).

Inasmuch as the City Council has the sole authority "to legislate with respect to the Advisory Neighborhood Commissions," pursuant to the Home Rule Charter, it indeed provides for the administration of the oath of office for each Commissioner-Elect on January 2<sup>nd</sup> of each odd-numbered year, and anytime a Commissioner-Elect fills a vacancy during a special election.

Importantly, the purpose of the oath is to hear the official swear allegiance to uphold the U.S. Constitution and the Home Rule Charter. Over the years, the OANC, Commissioners, Councilmembers and the Mayor have changed the wording, the emphasis and order of the oath specified in the DC Council's *Rules*. That has never been a problem so long as "allegiance to uphold the U.S. Constitution and the Home Rule Charter" are heard.

Before closing, this is to remind those Commissioners-Elect who have filled a vacancy through the special election process - and have not been sworn in -- to schedule an appointment with your affected councilmember. The sooner you do so -- the sooner you vote at an ANC meeting.

Finally, I offer a by-laws correction to ANCs which require therein its elected officers to be sworn in. The provision and the act are not necessary. When you are sworn in as a Commissioner, you need not also be sworn in if elected as an officer. One swearing in ceremony covers each Commissioner for any other ANC office sought during the Commissioner's tenure.

Contact Kathy Williams at [Kathy.williams@dc.gov](mailto:Kathy.williams@dc.gov) if you have any questions, concerns or comments.