

## ANC 2B Potential Bylaws Revisions

During the months of January and February 2014, ANC 2B decided to take a look at our existing bylaws and the bylaws of neighboring ANC in order to revise bylaws for a more functioning Commission. Potential changes and recommendations were written by a committee consisting of two Commissioners and an intern.

ANC 2B's bylaws are a slightly modified version of the minimal legally allowed requirements for ANC bylaws, referred to as the "Bare-Bone's bylaws" (BBB) by Gottlieb Simon, Director of the DC Office of ANC. Mr. Simon suggests keeping bylaws close to the minimally required in order to provide the ANC the greatest amount of flexibility to respond to challenges. Mr. Simon suggests creating an accompanying operating rules and procedures to complement the bylaws. ANC 2B has a partially operating rules and procedures listed on its website.

### **Potential Changes to ANC 2B Bylaws**

- In section One of BBB explaining the purpose of an ANC, the purpose is simply written as "the duties and powers described in PL 93-198 and DCL 1-21, as amended" rather than explicitly enumerating the roles of the ANC in the first section. Should ANC 2B change their purpose to reflect the BBB?

*Recommendation:* No. The listed purpose in ANC 2B's current bylaws is more readily understandable to the public than the referenced law in BBB.

- BBB has a process for determining new officers, ANC 2B does not. ANC 2A sets the term of officer positions from February-February, but that process can become confusing if the previously serving officers are not re-elected during an election cycle. Some systems appoint, during the December meeting, a temporary chair for the January meeting until a new chair is selected, then the newly elected Chair chairs the meeting. BBB calls for nominations and voting on nominations in a way the ANC selects. One voting process allows nominations then voting on a signed written ballot. The ballots are tallied by the Chair. Another process allows the temporary chair to call on a commissioner, the commissioner nominates, and then an up-or-down vote on that nomination. ANC 2E puts all the nominations out there, commissioners vote, and without a majority the top two names go to the next round. If the second round is tied, the winner is based on a coin toss.

*Recommendation:* ANC 2B needs a system in the bylaws to select officers. I recommend appointing a temporary Chair at the December meeting until a Chair is elected during the January meeting. Then the Chair takes over the meeting and the ANC until the end of the ANC's term.

- BBB requires an officer to make sure public notice is given; ANC 2B bylaws do not designate that role to any officer. Should the Chair or Secretary be given this role?

*Recommendation: The Chair should be given this responsibility, potentially to be accomplished on a month to month basis by the executive director*

- BBB has an Executive Committee which consists of the four officers, with the ability to establish special committees and may act on behalf of the Commission in emergency situations. Should 2B establish this?

*Recommendation: No. Four Commissioners acting on behalf of the Commission is anti-Democratic.*

- Some ANC's allow the appointment of a non-voting delegate in case of a vacancy. This is a complicated process which would only apply in the time between a vacancy and special election. Should the ANC appoint a non-voting delegate after an ANC Commissioner resigns?

*Recommendation: No. ANC 2B already has public involvement on committees including ZPD and ABRA Policy. There is no reason to add a non-voting ANC delegate to the commission at large.*

- No other Ward 2 ANC allows voting by proxy. ANC 2B votes by proxy are only allowed with a signed letter. 2B could allow proxy votes by email. The East Bellevue Community Council in Bellevue, Washington allows voting by conference call or email to the Chair

*Recommendation: allow voting by proxy with an email to the Chair, Vice Chair, and Secretary.*

- Other ANC's have different languages for potential conflicts of interest. Not in BBB.

*Recommendation: a conflict of interest policy should be created in the policies rather than bylaws.*

- 2B bylaws state only "residents...and invited guests may present testimony" rather than any member of the public. Should the bylaws reflect that all members of the public may testify and publicly comment?

*Recommendation: member of the public is more inclusive than residents and invited guests.*

- 2B is the only Ward 2 ANC with the chair given tiebreaker power. Other ANC's follow Robert's Rules of Order which states that any tie vote fails—regardless of the chair's vote. Should 2B revert to Robert's Rules?

*Recommendation: revert to Robert's Rules of Order where any tie vote leads to the failure of a motion.*

- 2D allows any member of the public to propose a bylaw amendment. Would 2B support this change?

*Recommendation:* No. 2D has a two commissioner council and this bylaw provision is only applicable with a small number of commissioners.

- ANC 2E and 2A call for town meetings or other community meetings. 2A requires four public meetings each year, which may be a portion of time set aside in a normal meeting.

*Recommendation:* ANC 2B meetings are often full of regulatory items without dedicated time to listen to the public. Setting aside one hour every quarter entirely for public comment would allow commissioners to better understand constituent needs and allow constituents more ability to feel heard by the ANC.

- 2A has a nondiscrimination clause written into their bylaws

*Recommendation:* unnecessary, do not add.

- 2A states commissioners not present may have statements read, but may not vote by proxy

*Recommendation:* worth considering if bylaws are not changed to allow voting by proxy.

- 2A Chairperson determines whether new business has been raised on the floor, may call for a “sense of the room” on any motion at any time, and may direct the new business (ie table motion) unless overridden by a majority of commissioners.

*Recommendation:* Do not add to bylaws. A sense of the room may be taken according to Robert’s Rules of Order and does not have to be written into the bylaws.

- ANC’s 2A and 2F allow for joint meetings with other commissions. Should 2B add the ability to hold joint meetings—and a process to create them—to its bylaws?

*Recommendation:* while this may be a good idea, refrain from adding it to the bylaws and, instead, add it to the policies.

Logistical questions

- What is the definition of “reasonable” in “reasonable public notice” for special public meetings?

*Recommendation:* three days.

- The current bylaws state that two officers must sign each check for the check to be valid, but ANC law requires one of those officers must be the treasurer or chair. Should the bylaws reflect this requirement? Change “employees” to “staff members?”

*Recommendation:* change bylaws to reflect need for treasurer or chair to sign every check

- Bylaws refer to staff as employees, which may indicate a responsibility to pay as employees rather than as contractors. Should the word “employees” be changed to “staff members?”

*Recommendation:* Yes.