



ADVISORY NEIGHBORHOOD COMMISSION 3C
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CLEVELAND PARK • MASSACHUSETTS AVENUE HEIGHTS •
WOODLAND-NORMANSTONE • WOODLEY PARK

Single Member District Commissioners
01-Hayden Gise; 02-Adam Prinzo; 03-Janell Pagats
04-Roric McCorristin; 05-Sauleh Siddiqui; 06-Tammy Gordon
07-Gawain Kripke; 08-Rick Nash

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February 20, 2024

Mr. Kent Boese
Executive Director, Office of Advisory Neighborhood Commissions
The John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 11
Washington, DC 20004

**RE: ANC3C Response to the Office of Advisory Neighborhood Commissions (OANC)
Strategic Plan**

Director Boese,

At a regularly scheduled and properly noticed public meeting on February 20, 2024 with a quorum present, a quorum being five commissioners, Advisory Neighborhood Commission (ANC) 3C voted by voice vote to provide written comments on the above mentioned matter.

We are writing to express our concerns and provide a critique of the Office of Advisory Neighborhood Commissions (OANC) draft strategic plan, which was made available to the public on your website.

We commend the OANC for its commitment to serving the community and recognize the importance of strategic planning in fostering effective governance. However, upon thorough review of the draft strategic plan, we find it imperative to raise several major concerns that, in our opinion, undermine the core principles and statutory framework governing the OANC.

Our foremost concern is that the strategic plan appears to extend the OANC's role beyond the scope defined by law. According to the established legislation, the sole mission of the OANC is to provide technical, administrative, and financial reporting assistance to Advisory Neighborhood Commissions (ANCs). This mission, as outlined in the law, emphasizes the supportive and auxiliary nature of the OANC's functions.

However, the draft strategic plan indicates a notable departure from this mission. The plan suggests an expansion of the OANC's role into areas that resemble enforcement, potentially

transforming it into another bureaucratic government agency. We firmly believe that such a deviation from the original intent poses a threat to the autonomy of ANCs and contradicts the legislative framework that defines the OANC's mandate.

In particular, we draw attention to these specific sections or proposals from the strategic plan that go beyond the realm of assistance and venture into areas that could potentially infringe upon the independent decision-making authority of ANCs:

- 1) Goal 4 in the strategic plan aims to push OANC into the realm of other agencies, and aims to push legal decisions into the purview of OANC. The second paragraph starts with: "While the OANC is the primary source of advice for Commissioners, it is not the only resource available to ANCs, at times causing confusion." OANC is not supposed to provide advice, only assistance in obtaining advice from the right resource. The confusion is only caused when OANC ventures into the realm of other agencies. As an example, the paragraph continues: "While the guidance provided by the OAG and OANC are complementary, it has at times created a culture of "opinion shopping" among Commissioners. This was particularly true before the OANC had a permanent Executive Director and General Counsel." OANC should define its role of assistance clearly and not venture into the role of OAG. This is exactly why OAG issued a letter on January 9th to OANC which stated: "I am concerned, however, about a statement in your responses that goes one step further, maintaining that "the OANC is the primary authority concerning the ANC Law." Although OANC rightfully plays a major role in providing ANCs with technical and administrative assistance, the primary authority for interpreting the law governing ANCs, within the boundaries set by judicial precedent, rests with the OAG." Contrary to the strategic plan, this letter was sent after the Executive Director and General Counsel had caused confusion, not due to lack of them. As far as we know, OAG has never reprimanded OANC like this in the past.
- 2) Objective 4.3 states: "Providing ANCs with Authoritative, Consistent Legal Guidance is Essential for Them to Perform Their Duties." We agree with this statement, but this is not the role of OANC. This passes, and has already passed, into the realm of enforcement. We saw this with how OANC has dealt with assisting grants the ANC has approved. Janell Pagats Commissioner for 3C03 and Chair of 3C, testified in detail on the experience ANC3C had with OANC regarding a grant approval/disallowment at OANC's Performance Oversight Hearing on January 31, 2023. The testimony and referenced resolutions and responses can be found in the hearing [record](#) and is attached to this document.
- 3) The establishment of an Advisory Board for OANC (Objective 2.1) seems to be inspired by other agencies whose goal is to promote and enforce, as opposed to assist. Establishment of a board will give OANC latitude to increase its operations as advised by the board they themselves appoint. Additionally, to ask volunteer commissioners who are already busy with life and the commitment they already made to serving their communities as ANCs, this is a big ask and is not likely to result in achieving diversity and being representative.
- 4) Objective 2.1 also suggests "a constituent bill of rights", ANC 3C and a number of other ANCs have adopted a Code of Conduct that can and should be shared as a template by OANC with other ANCs.
- 5) Objective 2.2 states "OANC needs to commit to a range of communication strategies that not only collect information from Commissioners, but equally share and disseminate information out to Commissioners." This should be a priority and should not be solely done through the use of an OANC appointed advisory board. Additionally, more meetings will not result in diverse engagement. This will be driven largely by

commissioners who have the time to engage and it will not at all be representative of the ANCs District-wide.

- 6) Goal 3: Invest in Shared Services and Support for ANCs should be Goal 1 if these goals are ranked in order of importance.
- 7) Objective 3.1 contains one of the best ideas in the entire document “It is also challenging that no one ANC has enough work to justify hiring a full-time employee and few ANCs collaborate to share support staff, with a very notable exception being four Ward 2 ANCs which share a staff member. To address this, the OANC needs to explore if they have a role here - one in which the OANC hires and provides staff to ANCs for their support, and in which each receiving ANC votes to participate in the program and provide financial support on an hourly basis similarly to their participation in the Security Fund.” This should be done.
- 8) The proposed Strategic Plan should refrain from characterizing Commissioners as “activists” or seeking to limit the business of ANCs by classifying it as “activism.” ANCs take their oath to “consider each matter before [them] from the viewpoint of the best interest of the District of Columbia, as a whole” and, as noted in the Advisory Neighborhood Commissioner Handbook (2023-2024), “virtually no public policy area is excluded from the purview of the Advisory Neighborhood Commissions.” Yet, the proposed Strategic Plan embodies a different philosophy of the Role of Advisory Neighborhood Commissions, repeatedly characterizing some Commissioners as activists and Commission action as activism. See, e.g., Draft OANC Strategic Plan at 74 (“[J]ust as troubling is the heightened interest in ANCs by special interest groups who have come to see Advisory Neighborhood Commissions as the gateway to amplifying initiatives they hope will eventually be adopted by the Council and Mayor. These groups also frequently misattribute the powers, duties, and responsibilities of ANCs as they seek support for issues that are well outside the purview of ANCs. In many instances this has resulted in newly elected Commissioners being more activist than public servants and created unnecessary friction between Commissioners and their constituents.”). Claiming Commissioners “connect themselves to issues well beyond the scope of their office” and that “ANCs do not set District Policy nor initiate legislation is an incorrect attempt to limit Commission and Commissioner activity. Designating a Commissioner as “more activist than public servant” is wholly subjective and undermines our democratic elections. Further, these types of statements veer toward viewpoint discrimination. Unfortunately, this is an overall trend ANC 3C has observed with regard to the OANC, including as related to advisory from the Office strongly discouraging Commissioners from signing onto letters to the DC Council, Mayor, or others.

Our concern is rooted in the belief that the OANC should not evolve into an entity with enforcement powers, as this could result in additional layers of bureaucracy for ANCs to navigate. The fact that OANC considers other agencies a “Threat” and sees lack of enforcement as a “Weakness” in its own SWOT analysis provided as part of the strategic plan shows the intent of the plan is to expand the role of OANC beyond that as provided by law.

We understand the importance of adapting to the evolving needs of the community and improving the efficiency of ANC operations. However, any changes proposed in the strategic plan must align with the statutory framework and respect the unique roles and responsibilities assigned to ANCs.

In light of these concerns, we respectfully request that the OANC reconsider the proposed

elements of the strategic plan that deviate from its mandated mission. We believe that a collaborative approach, involving open dialogue and engagement with ANC representatives, will lead to a more effective and balanced strategic plan that serves the best interests of the community.

Thank you for your attention to this matter. We look forward to a constructive and collaborative dialogue to address these concerns and ensure the continued success of the OANC in supporting the vital work of Advisory Neighborhood Commissions.

The Commission authorizes the Chair and the Commissioners for 3C02, 3C03 and 3C05 and/or their designee(s) to represent the Commission on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Janell Pagats", written in a cursive style.

Janell Pagats
Chair ANC 3C
Single Member District 3C03

CC: Matthew Frumin, Ward 3 Member of the Council of the District of Columbia
Robert White, At-Large Member of the Council of the District of Columbia,
Chair, Committee on Housing