Government of the District of Columbia

Office of Advisory Neighborhood Commissions
1350 Pennsylvania Avenue, NW
Suite 11
Washington, DC 20004
(202) 727-9945

MEMORANDUM

TO: ANC 3F
FR: Denise Wiktor, General Counsel
DT: 1/11/2025
RE: Jackson Reed High School Crew Team Boosters Grant

The Office of Advisory Neighborhood Commissions ("OANC") has received a copy of a grant request from the Jackson Reed Rowing Club regarding a grant to be used towards the purchase of a new boat which will be used for at least 5 years.

I would note that the grant application was not on the form 100 as required. If the ANC approves the grant, I suggest the applicant fill the form out and submit it with the grant close-out report. (both also attached)

The applicant is requesting a grant amount of $5,000.

I have reviewed the application sent to OANC and have found that the request is a **permissible** expenditure of ANC monies, as outlined below. Additionally, a previous grant was the subject of an OAG advice letter finding it a permissible use. I have attached that letter.

Once a grant has been voted on by the ANC *the purpose of the grant cannot be changed without an additional vote by the ANC.*

Analysis

There are five prongs a grant must meet to be a permissible expense[1], and there is also a sixth requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead[2]. These are, respectively:

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[1] See *Letter to Schanette Grant on Seasoned Settlers and Grants Generally,* April 14, 2022, found at https://oag.dc.gov/sites/default/files/2022-04/Letter-to-OANC-Re-Seasoned-Settlers-Grant-and-Grants-Generally-.pdf.

[2] D.C. Official Code 1-309.13(m)(2)(D) provides that "[n]o Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount."

1. **Public Purpose:** ANC grants must be for "public purposes within the Commission area."[3] A public purpose is one "that includes a significant benefit for the community and is not done for the primary purpose of benefitting a private entity."[4] This is a supplement to a public high school club that is open to all the students in that and other high schools in the District. The boat may benefit a small number of ANC 3F students at any one time but will last for at least 5 years.

2. **Local Benefit**: A grant must "benefit persons who work or reside in the Commission area."[5] This does not mean the grant may only benefit Commission residents; it simply means the grant's benefits should be focused on those residents.[6] The grant will benefit residents of ANC 3F. . The boat may benefit a small number of ANC 3F students at any one time but will last for at least 5 years.

3. **Proposed Project:** A grant must be for a proposed project.[7] This is a discrete single event, with a proposed beginning date and end date.

4. **Organization:** A grant must be to an "organization," not an individual or a government entity,[8] although the organization need not be incorporated[9]. The Jackson Reed High School Crew Team Boosters is an organization as defined by the Code for ANC grants. It is also a 501(c)(3) organization in good standing with the IRS under the number 46-0878484 as found in the IRS TEOS system.

5. **Non-Duplication:** A grant cannot duplicate any services offered by the District of Columbia government.[10] This grant is not duplicative of any service or program provided by the District government.

6. **Overhead:** Overhead cannot exceed 15% of the grant amount.[11] None of the grant monies would be used here for overhead costs.

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[3] D.C. Official Code § 1-309.13(l)(1).

[4] *Id.*

[5] D.C. Official Code § 1-309.13(m)(1).

[6] See *Letter to Deborah K. Nichols*, Nov. 9, 2006, at 2, n.2, found at Letter-to-Deborah-Nichols-Re-Whether-an-ANC-may-approve-a-grant-to-commission-plans-and-drawings-.pdf (ANC 4C grant was permissible where the "[b]enefit to other ANCs would be incidental to the benefit conferred on ANC 4C residents," because a grant's benefits need not "be exclusive to the ANC that gives the grant funds"); see *Letter to Comm'r Fletcher*, Mar. 15, 2022, at 2, available at https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.pdf (making the same point with respect to the public-purpose requirement).

[7] D.C. Official Code § 1-309.13(m)(2)(A).

[8] D.C. Official Code § 1-309.13(m)(1); see also *Letter to Deborah K. Nichols*, Jan. 14, 2010, at 4, available at https://oag.dc.gov/sites/default/files/2018-02/ANC-January-14-2010-Guidelines-for-Use-of-ANC-Funds.pdf.

[9] See *Letter to Deborah K. Nichols*, Aug. 4, 2000, at 3, available at https://oag.dc.gov/sites/default/files/201802/ANC-August-4-2000-Grants-by-ANCs-Public-Purpose-and-Corporate-Status-of-Recipients.pdf ("The plain meaning of the term 'organization' includes unincorporated associations").

[10] D.C. Official Code § 1-309.13(m)(1).

[11] D.C. Official Code § 1-309.13(m)(1)(2)(D).

Conclusion

For the reasons stated above, this grant is a **permissible** expenditure of ANC funds.