

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: ANC 5C
FR: Denise Wiktor, General Counsel
DT: 3/19/2026
RE: Friends of the National Arboretum Grant request

The Office of Advisory Neighborhood Commissions (“OANC”) has received a copy of a grant request from the Friends of the National Arboretum¹ regarding a grant for a summer concert series. I apologize for the delay in getting you this memo. The Director was on leave and I wanted to discuss some aspects with him. I also wanted the ANC input on if it was felt to be a significant benefit to the ANC. The ANC has voted and found it to be a significant benefit. You cannot get to the Arboretum without passing through ANC 5C and most residents of the ANC can walk to the arboretum.

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. I had one **concern** about the security expenditure. If the security is Arboretum security (paying themselves), it would be considered overhead and exceed the permissible limit. If that is the case, I would recommend shifting the use of the grant to any of the other listed categories. Movie expenses are vague but it is presumably for movie rental/right and providing receipts accordingly.

Additionally, 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.*

¹ Projects on Federal Land may be funded by ANCs. See *Letter to Commissioner Whatley*, March 8, 2012 found at <https://oag.dc.gov/sites/default/files/2022-07/ANC-4A-Letter-to-Commissioner-Whatley-Re-Potential-ANC-4A-Grant-to-Potomac-Appalachian-Trail-Club-.pdf>

Analysis

There are five prongs a grant must meet to be a permissible expense², 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 overhead³. These are, respectively:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area.”⁴ 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.”⁵ This event will be free and open to the public and will bring people together in a pleasant environment.
2. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”⁶ This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.⁷ The Arboretum is located within ANC 5C and is walkable to most of the residents. The residents of 5C will significantly benefit from this series.
3. **Proposed Project:** A grant must be for a proposed project.⁸ 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,⁹ although the organization need not be incorporated¹⁰. Friends of the National Arboretum is an organization as defined by the Code for ANC grants.
5. **Non-Duplication:** A grant cannot duplicate any services offered by the District of Columbia government.¹¹ This grant is not duplicative of any service or program provided by the District government.

² 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>.

³ 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.”

⁴ D.C. Official Code § 1-309.13(l)(1).

⁵ *Id.*

⁶ D.C. Official Code § 1-309.13(m)(1).

⁷ 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](https://oag.dc.gov/sites/default/files/2022-03/ANC-4C-Grant-Permissible-Where-the-Grant-Benefits-Need-Not-Be-Exclusive-to-the-ANC-that-gives-the-Grant-funds.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).

⁸ D.C. Official Code § 1-309.13(m)(2)(A).

⁹ 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>.

¹⁰ 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”).

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

6. **Overhead:** Overhead cannot exceed 15% of the grant amount.¹² If the guideline noted above is followed, none of the grant monies would be used here for overhead costs.

Conclusion

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

¹² D.C. Official Code § 1-309.13(m)(1)(2)(D).