

Government of the District of Columbia



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**MEMORANDUM**

TO: Candace Nelson, Chairperson ANC 4A  
Patience Singleton, Treasurer ANC 4A  
Paula Edwards, Submitting Commissioner ANC 4A  
FR: Denise Wiktor, General Counsel  
DT: 11/18/2024  
RE: Project Giveback

The OANC has received a copy of a grant request from Project Giveback. I have reviewed the application sent to the OANC and have found that the request is a **permissible** expenditure of ANC monies **if** the monies are used on non-food items and are not used for the following items; breakfasts for volunteers, gift cards or awards, insurance and video recording. The OANC had requested an outline of what parts of the budget the applicant intended to use the ANC money for but did not receive that. There are plenty of permissible expenses that this shouldn't be a problem. The ANC may have already considered this application and the OANC would request that the receipts received from them and submitted with the QFR be for a permissible expense. *Permissible expenses* in the budget are, equipment rentals, dumpster, promotional expenses, truck rental and boxes. Some of these expenses far exceed the grant request and should not be a problem. There was no contact email for Project Giveback to copy on this memo.

There are five prongs a grant must meet to be a permissible expense<sup>1</sup> and a 6<sup>th</sup> requirement of the D.C. Official Code that limits the amount of a grant that can be spent on overhead<sup>2</sup>. They are:

1. **Public Purpose:** ANC grants must be for "public purposes within the Commission area."<sup>3</sup> 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."<sup>4</sup> This standard was changed with the Fiscal Year Budget Support Act and the accompanying

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<sup>1</sup> 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>

<sup>2</sup> D.C. Official Code 1-309.13(m)(2)(D) "No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount."

<sup>3</sup> D.C. Official Code § 1-309.13(l)(1).

<sup>4</sup> D.C. Official Code § 1-309.13(m)(1) This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

2. emergency.<sup>5</sup> This grant and event clearly has a public purpose and if 200 families avail themselves like last year, then it is also a significant benefit to the community.
3. **Local Benefit:** A grant must “benefit persons who work or reside in the Commission area.”<sup>6</sup> This does not mean the grant may only benefit Commission residents; it simply means the grant’s benefits should be focused on those residents.<sup>7</sup> The grant application notes that last year 200 families from ANC 4A benefitted from the Project which is a local benefit.
4. **Proposed Project.** A grant must be for a proposed project.<sup>8</sup> This is a discrete single event.
5. **Organization.** A grant must be to an “organization,” not an individual or a government entity,<sup>9</sup> although the organization need not be incorporated.<sup>10</sup> Project Giveback is an organization as defined by the D.C. code
6. **Non-Duplication.** A grant cannot duplicate any services offered by the D.C. government.<sup>11</sup> This does not duplicate any DC Government program.
7. **Overhead.** Overhead cannot exceed 15% of the grant amount.<sup>12</sup> None of the grant monies will be used for overhead as the Code defines it.

## Conclusion

For the reasons stated above this grant is a **permissible** expenditure of ANC funds if used as outlined above.

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<sup>5</sup> This precludes payment to individuals whether it be for services or as a stipend or honorarium. It also precludes the purchase of non-transient nature that will remain in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

<sup>6</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>7</sup> 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).

<sup>8</sup> D.C. Official Code § 1-309.13(m)(2)(A).

<sup>9</sup> 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>

<sup>10</sup> 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”).

<sup>11</sup> D.C. Official Code § 1-309.13(m)(1).

<sup>12</sup> D.C. Official Code §1-309.13(m)(1)(2)(D).

